

**WEDNESDAY, MAY 8, 2002**  
**EIGHTY-SIXTH LEGISLATIVE DAY**

The House met at 1:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Mike Brumley, Maryville Church of Christ, Maryville, Tennessee.

Representative Overbey led the House in the Pledge of Allegiance to the Flag.

**ROLL CALL**

The roll call was taken with the following results:

Present.....96

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

**EXCUSED**

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative S. Jones; illness.

Representative Scroggs; personal reasons.

Representative Todd; illness.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Resolution No. 282:** Rep(s). Windle and Johnson as prime sponsor(s).

**House Resolution No. 286:** Rep(s). Hood as prime sponsor(s).

**House Resolution No. 287:** Rep(s). Hood as prime sponsor(s).

**House Resolution No. 292:** Rep(s). Westmoreland, Davis (Washington) and Mumpower as prime sponsor(s).

**House Joint Resolution No. 746:** Rep(s). Ridgeway and Shepard as prime sponsor(s).

**House Joint Resolution No. 954:** Rep(s). Hargett as prime sponsor(s).

**House Joint Resolution No. 955:** Rep(s). Sands as prime sponsor(s).

**House Joint Resolution No. 957:** Rep(s). Bowers as prime sponsor(s).

**House Joint Resolution No. 958:** Rep(s). Bowers as prime sponsor(s).

**House Joint Resolution No. 959:** Rep(s). Bowers as prime sponsor(s).

**House Joint Resolution No. 961:** Rep(s). Bone as prime sponsor(s).

**House Joint Resolution No. 962:** Rep(s). Bone as prime sponsor(s).

**House Bill No. 1985:** Rep(s). Pleasant as prime sponsor(s).

**House Bill No. 2510:** Rep(s). Hargrove as first prime sponsor(s).

**MESSAGE FROM THE SENATE**

**May 2, 2002**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2780; also, Senate Joint Resolution(s) No(s). 608 for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**SIGNED**

**May 2, 2002**

The Speaker signed the following: Senate Bill(s) No(s). 2780; also, Senate Joint Resolution(s) No(s). 608.

**MESSAGE FROM THE SENATE**

**May 2, 2002**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 375, 1293, 1421, 2103, 2329, 2446, 2628, 2786, 2957 and 3019; for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**SIGNED**

**May 2, 2002**

The Speaker signed the following: Senate Bill(s) No(s). 375, 1293, 1421, 2103, 2329, 2446, 2628, 2786, 2957 and 3019.

**MESSAGE FROM THE SENATE**

**May 2, 2002**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 738, 740, 741, 742, 743, 744, 745, 747, 748 and 749; all adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

**Senate Joint Resolution No. 738** -- Memorials, Interns - Tabitha Hope Dickey. by \*McNally.

**Senate Joint Resolution No. 740** -- Memorials, Interns - Emily Yarbrow. by \*Haun, \*Herron, \*Cohen.

**Senate Joint Resolution No. 741** -- Memorials, Public Service - Rick Chadwick, Distinguished Service Award from Tennessee High School Athletic Directors Association. by \*McNally.

**Senate Joint Resolution No. 742** -- Memorials, Academic Achievement - Travis Wayne Fleming, Salutatorian, South Fulton High School. by \*Herron.

**Senate Joint Resolution No. 743** -- Memorials, Academic Achievement - Mary Elizabeth Grissom, Valedictorian, South Fulton High School. by \*Herron.

**Senate Joint Resolution No. 744** -- Naming and Designating - Firefighters' Day in Tennessee, September 11, 2002. by \*Herron, \*Henry, \*Cohen.

**Senate Joint Resolution No. 745** -- Memorials, Public Service - Senator Fred Thompson. by \*McNally, \*Cohen.

**Senate Joint Resolution No. 747** -- Memorials, Recognition - Connie Ann Clark. by \*McNally, \*Cohen.

**Senate Joint Resolution No. 748** -- Memorials, Recognition - James W. Miller, Sr. by \*McNally.

**Senate Joint Resolution No. 749** -- Memorials, Retirement - Mrs. Bonnie Wear. by \*McNally.

**ENROLLED BILLS  
May 2, 2002**

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 680, 855, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913 and 914.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED  
May 2, 2002**

The Speaker signed the following: House Joint Resolution(s) No(s). 680, 855, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913 and 914.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENROLLED BILLS  
May 2, 2002**

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 915, 916, 917, 918, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 933, 934, 935, 936, 937, 938, 939, 940, 941 and 942.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED  
May 2, 2002**

The Speaker signed the following: House Joint Resolution(s) No(s). 915, 916, 917, 918, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 933, 934, 935, 936, 937, 938, 939, 940, 941 and 942.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**May 2, 2002**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 680, 855, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 933, 934, 935, 936, 937, 938, 939, 940, 941 and 942; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**ENROLLED BILLS**

**May 2, 2002**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 2111, 2422, 2539, 2580, 2632, 2769, 2897, 2914, 2916, 2918, 2941, 2961, 3101, 3258, 3259, 3260, 3261, 3263, 3266 and 3268.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**May 2, 2002**

The Speaker signed the following: House Bill(s) No(s). 2111, 2422, 2539, 2580, 2632, 2769, 2897, 2914, 2916, 2918, 2941, 2961, 3101, 3258, 3259, 3260, 3261, 3263, 3266 and 3268.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**May 2, 2002**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2111, 2422, 2539, 2580, 2632, 2769, 2897, 2914, 2916, 2918, 2941, 2961, 3101, 3258, 3259, 3260, 3261, 3263, 3266 and 3268; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

**May 2, 2002**

The following bill(s) have been transmitted to the Governor for his action: House Bill(s) No(s). 3268.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**May 2, 2002**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 706, 707, 708, 709, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 739 and 746; for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**SIGNED**

**May 2, 2002**

The Speaker signed the following: Senate Joint Resolution(s) No(s). 706, 707, 708, 709, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 739 and 746.

**MESSAGE FROM THE GOVERNOR**

**May 2, 2002**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2776 and 3268, with his approval.

JAY BALLARD, Counsel to the Governor.

**MESSAGE FROM THE SENATE**

**May 3, 2002**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 3095 (corrected); for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**SIGNED**

**May 3, 2002**

The Speaker signed the following: Senate Bill(s) No(s). 3095.

**REPORT OF CHIEF ENGROSSING CLERK**

**May 3, 2002**

The following bill(s) have been transmitted to the Governor for his action: House Bill(s) No(s). 2111, 2422, 2539, 2580, 2632, 2769, 2897, 2914, 2916, 2918, 2941, 2961, 3101, 3258, 3259, 3260, 3261, 3263 and 3266.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**REPORT OF CHIEF ENGROSSING CLERK  
May 3, 2002**

The following bill(s) have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 680, 855, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913 and 914.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**REPORT OF CHIEF ENGROSSING CLERK  
May 3, 2002**

The following bill(s) have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 915, 916, 917, 918, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 933, 934, 935, 936, 937, 938, 939, 940, 941 and 942.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE  
May 6, 2002**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 555; for the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**SIGNED  
May 6, 2002**

The Speaker signed the following: Senate Joint Resolution(s) No(s). 555.

**MESSAGE FROM THE GOVERNOR  
May 7, 2002**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 915, 916, 917, 918, 921, 923, 924, 926, 927, 928, 929, 930, 931, 933, 934, 937, 938, 939, 940, 941 and 942, with his approval.

JAY BALLARD, Counsel to the Governor.

**INTRODUCTION OF RESOLUTIONS**

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

**\*House Joint Resolution No. 943** -- General Assembly, Studies - Creates special joint committee to study issues relative to intermediate care facilities for persons with mental retardation (ICFs/MR). by \*Turner (Hamilton), \*Wood, \*Walker, \*Hagood, \*Maddox, \*Kisber, \*Hargrove, \*Harwell.

House Finance, Ways and Means Committee

**\*House Joint Resolution No. 944** -- Memorials, Congress - Urges Congress and President to adopt policy against further over-valuing of U.S. dollar against other currencies. by \*Cole (Dyer).

House Finance, Ways and Means Committee

**\*House Joint Resolution No. 960** -- Memorials, Congress - Urges support of State of Israel. by \*Casada.

House Judiciary Committee

**RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for May 8, 2002:

**House Resolution No. 273** -- Memorials, Interns - Kyle Everton Dodd. by \*Jones U (Shelby).

**SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for May 8, 2002:

**Senate Joint Resolution No. 738** -- Memorials, Interns - Tabitha Hope Dickey. by \*McNally.

**Senate Joint Resolution No. 740** -- Memorials, Interns - Emily Yarbrow. by \*Haun, \*Herron, \*Cohen.

**Senate Joint Resolution No. 741** -- Memorials, Public Service - Rick Chadwick, Distinguished Service Award from Tennessee High School Athletic Directors Association. by \*McNally.

**Senate Joint Resolution No. 742** -- Memorials, Academic Achievement - Travis Wayne Fleming, Salutatorian, South Fulton High School. by \*Herron.



## **WEDNESDAY, MAY 8, 2002 – EIGHTY-SIXTH LEGISLATIVE DAY**

**Senate Joint Resolution No. 743** -- Memorials, Academic Achievement - Mary Elizabeth Grissom, Valedictorian, South Fulton High School. by \*Herron.

**Senate Joint Resolution No. 745** -- Memorials, Public Service - Senator Fred Thompson. by \*McNally, \*Cohen.

**Senate Joint Resolution No. 747** -- Memorials, Recognition - Connie Ann Clark. by \*McNally, \*Cohen.

**Senate Joint Resolution No. 748** -- Memorials, Recognition - James W. Miller, Sr. by \*McNally.

**Senate Joint Resolution No. 749** -- Memorials, Retirement - Mrs. Bonnie Wear. by \*McNally.

### **INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 3282** -- Greenbrier - Subject to local approval, rewrites charter. Amends Chapter 207 of the Private Acts of 1996. by \*Davidson.

**House Bill No. 3283** -- Chapel Hill - Subject to local approval, revises charter regarding election of officials, jurisdiction of town court, and other matters. Amends Chapter 48 of the Private Acts of 2001. by \*Beavers, \*Fowlkes.

**House Bill No. 3284** -- Humboldt - Subject to local approval, revises provisions for election, qualifications and powers of city judge. Amends Chapter 61 of the Private Acts of 2001. by \*Phelan.

### **SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

**\*Senate Bill No. 272** -- Alcoholic Beverages - Clarifies that owner of establishment licensed to sell alcoholic beverages for consumption on premises is not required to have server permit. Amends TCA Title 57, Chapter 3 and Title 57, Chapter 4. by \*Haynes. (HB451 by \*Kent)

**\*Senate Bill No. 1019** -- Wildlife Resources Commission - Authorizes commission to promulgate rules and regulations to adjust fees for licenses and permits and to establish new licenses and permits together with necessary fees. Amends TCA Title 70. by \*Ramsey. (HB1595 by \*Bittle, \*Sargent, \*Montgomery, \*McCord, \*Ridgeway, \*Kent)

## **WEDNESDAY, MAY 8, 2002 – EIGHTY-SIXTH LEGISLATIVE DAY**

**\*Senate Bill No. 2073** -- Sunset Laws - Tennessee regulatory authority, June 30, 2008. Amends TCA Title 4, Chapter 29 and Title 65, Chapter 1. by \*Harper, \*Burchett, \*Trail. (HB2739 by \*Kernell, \*Brooks, \*Cooper B)

**\*Senate Bill No. 2096** -- Sunset Laws - Panel on health care facility penalties, June 30, 2003. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 11. by \*Harper, \*Burchett, \*Trail. (HB2761 by \*Kernell, \*Cooper B)

**\*Senate Bill No. 2187** -- Sexual Offenses - Earmarks first \$500 of fine imposed for commission of offenses of patronizing prostitution and promoting prostitution to sheriff's department in any county that has established program for rehabilitation and treatment of prostitutes. Amends TCA Title 39, Chapter 13, Part 5 and Title 40, Chapter 35. by \*Harper, \*Haynes. (HB2513 by \*Briley)

**\*Senate Bill No. 2429** -- Motor Vehicles - Licenses low speed motor vehicles. Amends TCA Title 55. by \*Haun. (HB2796 by \*Ridgeway)

**\*Senate Bill No. 2730** -- Criminal Offenses - Creates Class D felony of tampering with public utility with intent to harm another and Class E felony of attempting or threatening to tamper with public utility. Amends TCA Title 39, Chapter 14, Part 4. by \*Person, \*Dixon, \*Ford J, \*Norris, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper J, \*Crowe, \*Crutchfield, \*Davis L, \*Elsa, \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Jackson, \*Kurita, \*Kyle, \*McNally, \*Miller J, \*Person, \*Ramsey, \*Rochelle, \*Trail, \*Wilder, \*Williams, Sen.. (HB2538 by \*Scroggs)

**Senate Bill No. 2934** -- Juvenile Offenders - Adds adjudication for rape of child as situation under which juvenile may be committed to department of children's services for definite, instead of indefinite, period of time. Amends TCA Section 37-1-137. by \*Fowler. (\*HB2887 by \*Scroggs)

**Senate Bill No. 3152** -- Child Custody and Support - Extends offense of custodial interference to address situations in which child is born out of wedlock and mother possesses custody of child pursuant to Section 36-2-303. Amends TCA Section 39-13-306. by \*Person, \*Burks. (\*HB2989 by \*Scroggs)

### **HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 3264** -- Sewage -- Previously referred to the House Finance, Ways and Means Committee

**House Bill No. 3274** -- Gallatin -- Local Bill Held on House Desk

**House Bill No. 3279** -- Hamblen County -- Local Bill Held on House Desk

**House Bill No. 3280** -- Bledsoe County -- Local Bill Held on House Desk

**House Bill No. 3281** -- Williamson County -- Local Bill Held on House Desk

**REPORTS FROM STANDING COMMITTEES**

The committees that met on **May 2, 2002**, reported the following:

**COMMITTEE ON CALENDAR AND RULES**

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **May 8, 2002**: House Bill(s) No(s). 1036, 3125, 1767, 3132, 1985, 3097, 2476, 2652 and 3109.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **May 8, 2002**: House Bill(s) No(s). 2653, 2654, Senate Joint Resolution(s) No(s). 569 and House Joint Resolution(s) No(s). 646.

**REPORTS FROM STANDING COMMITTEES**

The committees that met on **May 7, 2002**, reported the following:

**COMMITTEE ON CALENDAR AND RULES**

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **May 8, 2002**: House Bill(s) No(s). 1434, 2984, 2889, 2924, 2200, 2392, 2967, 2570 and House Joint Resolution(s) No(s). 592.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **May 8, 2002**: House Bill(s) No(s). 2796, 2316 and Senate Joint Resolution(s) No(s). 584.

**COMMERCE**

The Commerce Committee recommended for passage: House Bill(s) No(s). 1106 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

**EDUCATION**

The Education Committee recommended for passage: House Bill(s) No(s). 1318 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

**FINANCE, WAYS AND MEANS**

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 3176, 2465, 3186, 3148, 2939, 2551, 1416, House Joint Resolution(s) No(s). 836, 830, also House Bill(s) No(s). 2546, 3043, 2957 and House Joint Resolution(s) No(s). 770 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

GOVERNMENT OPERATIONS

The Government Operations Committee recommended for passage: House Bill(s) No(s). 2727, 2764, 2756, 2762, 2761, 2752, 2758, 2750, 2748, also House Bill(s) No(s). 2753 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

CONSENT CALENDAR

**House Resolution No. 273** -- Memorials, Interns - Kyle Everton Dodd. by \*Jones U (Shelby).

**House Bill No. 3277** -- Morristown - Subject to local approval, increases hotel motel tax from 3 percent to 5 percent. Amends Chapter 354 of the Private Acts of 1982. by \*Ford S. (SB3231 by \*Haun)

**\*House Joint Resolution No. 646** -- General Assembly, Statement of Intent or Position - Urges primary and secondary schools to offer more calcium-rich foods and beverages in school lunch and snack programs. by \*Bowers, \*Givens, \*Turner (Hamilton), \*DeBerry J, \*Brooks.

**\*Senate Joint Resolution No. 569** -- General Assembly, Statement of Intent or Position - Expresses sense that each school-age child should have access to and participate in daily physical education and activity as part of educational experience; encourages public schools to promote physical activity and well-being among students to combat prevalence of obesity among Tennessee's children and teenagers. by \*Henry.

**House Bill No. 2653** -- Sexual Offenses - Adds offense of solicitation of minor to definition of "sexual offense" for purposes of "Sexual Offender Registration and Monitoring Act". Amends TCA Section 40-39-102. by \*Turner (Hamilton). (\*SB2767 by \*Crowe, \*Williams, Sen.)

On motion, House Bill No. 2653 was made to conform with **Senate Bill No. 2767**; the Senate Bill was substituted for the House Bill.

**House Bill No. 2654** -- Tennessee Bureau of Investigation - Changes from January 1 to April 30 of each year date by which TBI is required to report to governor and general assembly statistics for crimes occurring on campuses of Tennessee colleges and universities. Amends TCA Section 49-7-2205. by \*Turner (Hamilton). (\*SB2678 by \*Crowe)

On motion, House Bill No. 2654 was made to conform with **Senate Bill No. 2678**; the Senate Bill was substituted for the House Bill.

**House Bill No. 2796** -- Motor Vehicles - Licenses low speed motor vehicles. Amends TCA Title 55. by \*Ridgeway. (\*SB2429 by \*Haun)

On motion, House Bill No. 2796 was made to conform with **Senate Bill No. 2429**; the Senate Bill was substituted for the House Bill.

**WEDNESDAY, MAY 8, 2002 – EIGHTY-SIXTH LEGISLATIVE DAY**

**House Bill No. 2316** -- Teachers, Principals and School Personnel - Requires reading instruction as mandatory element of teacher education curriculum and requires certification of teacher competence in reading instruction. Amends TCA. by \*Cooper B, \*Brooks. (\*SB2154 by \*Dixon)

**\*Senate Joint Resolution No. 584** -- Memorials, Congress - Urges U.S. Congress and President of United States to fully fund modernization of Y-12 National Security Complex in Oak Ridge, Tennessee. by \*McNally.

**Senate Joint Resolution No. 738** -- Memorials, Interns - Tabitha Hope Dickey. by \*McNally.

**Senate Joint Resolution No. 740** -- Memorials, Interns - Emily Yarbro. by \*Haun, \*Herron, \*Cohen.

**Senate Joint Resolution No. 741** -- Memorials, Public Service - Rick Chadwick, Distinguished Service Award from Tennessee High School Athletic Directors Association. by \*McNally.

**Senate Joint Resolution No. 742** -- Memorials, Academic Achievement - Travis Wayne Fleming, Salutatorian, South Fulton High School. by \*Herron.

**Senate Joint Resolution No. 743** -- Memorials, Academic Achievement - Mary Elizabeth Grissom, Valedictorian, South Fulton High School. by \*Herron.

**Senate Joint Resolution No. 745** -- Memorials, Public Service - Senator Fred Thompson. by \*McNally, \*Cohen.

**Senate Joint Resolution No. 747** -- Memorials, Recognition - Connie Ann Clark. by \*McNally, \*Cohen.

**Senate Joint Resolution No. 748** -- Memorials, Recognition - James W. Miller, Sr. by \*McNally.

**Senate Joint Resolution No. 749** -- Memorials, Retirement - Mrs. Bonnie Wear. by \*McNally.

**OBJECTION -- CONSENT CALENDAR**

Objection(s) was/were filed to the following on the Consent Calendar:

**House Bill No. 2316:** by Rep. Boyer

Under the rules, House Bill(s) No(s). 2316 was/were placed at the foot of the calendar for May 15, 2002.

## WEDNESDAY, MAY 8, 2002 – EIGHTY-SIXTH LEGISLATIVE DAY

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....	92
Noes .....	0
Present and not voting .....	1

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Sharp, Shepard, Stanley, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 92.

Representatives present and not voting were: Shaw -- 1.

A motion to reconsider was tabled.

### REGULAR CALENDAR

**House Bill No. 1759** -- Consumer Protection - Adds new unfair or deceptive practice of making representations in primary text of solicitation, promotion, advertisement, or other offering that is contradicted in disclosure that is inconspicuous, concealed, or otherwise obscure. Amends TCA Title 47, Chapter 18. by \*Briley, \*Sands, \*Ridgeway, \*Pinion, \*Cole (Dyer). (\*SB1113 by \*Herron)

Further consideration of House Bill No. 1759 previously considered on May 1, 2002, at which time it was reset for today's Calendar.

### BILL RE-REFERRED

Rep. Briley moved that House Bill No. 1759 be re-referred to the House Calendar and Rules Committee, which motion prevailed.

**REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 2431** -- Tort Liability - Extends from January 1, 2005, to January 1, 2007, date on which immunity for computer system failure due to date or time changes expires. Amends TCA Title 29, Chapter 20. by \*Brown. (SB2518 by \*Crutchfield)

Further consideration of House Bill No. 2431 previously considered on May 1, 2002, at which time it was reset for today's Calendar.

Rep. Buck moved that House Bill No. 2431 be reset for the Regular Calendar on May 22, 2002, which motion prevailed.

**Senate Bill No. 3020** -- Sewage - Extends from two to four years department of environment and conservation pilot project study of advanced treatment systems (ATS); classifies as Class C misdemeanor each failure of ATS manufacturer to comply with operation and maintenance check requirements. Amends TCA Title 68, Chapter 221, Part 4. by \*Wilder. (\*HB2960 by \*Fitzhugh)

Further consideration of Senate Bill No. 3020 previously considered on April 24, 2002 and May 1, 2002, at which time the Senate Bill was substituted for the House Bill, the House adopted Amendment(s) No(s). 1 and reset the bill for today's Calendar.

Rep. U. Jones moved that Senate Bill No. 3020 be reset for the Regular Calendar on May 22, 2002, which motion prevailed.

**\*House Joint Resolution No. 592** -- Naming and Designating - Names Tennessee Technology Center at Shelbyville "James L. Bomar, Jr. Technology Center.". by \*Phillips.

Rep. Phillips moved that House Joint Resolution No. 592 be adopted.

Rep. Winningham moved adoption of Education Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Joint Resolution No. 592 by deleting the introduced resolution in its entirety and by substituting instead the following language:

A RESOLUTION to name the campus of the Tennessee Technology Center at Shelbyville the "James L. Bomar, Jr. Campus", and to designate the Center's conference room as the "James L. Bomar, Jr. Conference Room".

WHEREAS, it is fitting that this General Assembly should permanently commemorate the accomplishments of those sterling public servants who have served this State with the greatest acumen, integrity and dedication; and

WHEREAS, no citizen is more deserving of special recognition than the late James L. Bomar, Jr., who served with distinction as a member and as Speaker of both the House of Representatives and the Senate of the State of Tennessee; and

WHEREAS, Mr. Bomar served his country with valor in the U.S. Navy and excelled in the profession of law, serving in many professional organizations; he was active in a host of civic organizations, notably the Rotary Club, serving as President of Rotary International; and

WHEREAS, the Tennessee Technology Center, located at 1405 Madison Street in Shelbyville, offers the latest in training technology, state-of-the-art equipment and a full spectrum of educational courses for producing a highly skilled professional technical workforce for the needs of a 21st century economy; and

WHEREAS, the Center is a modern educational facility designed to simulate the occupational environment found in business and industry; the controlling purpose of the programs offered is to prepare individuals for useful and gainful occupations thereby enhancing their potential for employment; and

WHEREAS, James L. Bomar, Jr. compiled a record of public service to the State of Tennessee and its citizens which stands as a model for future generations, and it is fitting that he be remembered through the naming of the campus and conference room of a prominent educational facility in the community that he so loved; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That the Tennessee Technology Center at the Shelbyville campus and the Center's conference room in Bedford County are hereby named in honor of James L. Bomar, Jr., as a lasting tribute to one of the most outstanding citizens and public servants this State has ever produced.

BE IT FURTHER RESOLVED, That the State Board of Regents is directed to erect suitable signs designating the Technology Center at the Shelbyville campus in Bedford County as the "Tennessee Technology Center at Shelbyville, The James L. Bomar, Jr. Campus", and the Center's conference room as the "James L. Bomar, Jr. Conference Room".

BE IT FURTHER RESOLVED, That an enrolled copy of this resolution be transmitted to the State Board of Regents, and that an additional copy be prepared for presentation to the family of the late James L. Bomar, Jr.

On motion, Education Committee Amendment No. 1 was adopted.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:



**Amendment No. 2**

AMEND House Joint Resolution No. 592 by adding the following new language immediately preceding the last resolving clause:

BE IT FURTHER RESOLVED, That this resolution shall become operative only if the cost of the erection of such signs is paid to the Board of Regents from non-state funds within one (1) year of the date of passage of this resolution or if Bedford County manufactures and erects such signs, provided that such signs shall be manufactured and erected pursuant to applicable guidelines and approved by the Board of Regents.

On motion, Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 was adopted.

Rep. Phillips moved that **House Joint Resolution No. 592**, as amended, be adopted, which motion prevailed by the following vote:

Ayes .....93  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Wunningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

**\*House Bill No. 3138** -- Environment and Conservation, Department of - Requires department to maintain registry of riparian lands along designated scenic rivers that are not within scenic river boundary; classifies Wolf river and state forests in certain counties as natural areas; adjusts acreage of certain natural areas. Amends Chapters 13 and 14 of Title 11. by \*Sands, \*Scroggs. (SB3074 by \*Burks)

Further consideration of House Bill No. 3138 previously considered on April 3, 2002, April 17, 2002, April 24, 2002 and May 1, 2002, at which time it was reset for today's Calendar.

Rep. Sands moved that House Bill No. 3138 be passed on third and final consideration.

Rep. Turner (Davidson) moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Garrett moved adoption of Conservation and Environment Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 3138 by deleting the first sentence of Section 1 of the printed bill and by substituting instead the following:

The department shall maintain a registry of riparian lands along those segments of designated scenic rivers specified in Tennessee Code Annotated, Section 11-13-104, that are not in state ownership and whose owners have voluntarily agreed to maintain them in a natural state.

AND FURTHER AMEND by deleting the following subdivision in Section 4 of the printed bill in its entirety:

( ) Scott's Gulf. An area of approximately eight thousand (8,000) acres within the 10,000-acre Bridgestone/Firestone Centennial Wilderness Area in White County. This Cumberland Plateau site supports the federally listed Cumberland rosemary (*Conradina verticillata*) and several federally listed animal species including the gray bat (*Myotis grisescens*) and the Indiana bat (*Myotis sodalis*). The Caney Fork River meanders approximately 10 miles through the gulf, where there is a diversity of forest types, caves and steep escarpments. This area includes a 1,000-foot set back from the top of the escarpment along the plateau.

On motion, Conservation and Environment Committee Amendment No. 1 was adopted.

Rep. Sands moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 3138 by deleting Section 2 and Section 3 in their entirety and redesignating the remaining sections.

On motion, Amendment No. 2 was adopted.

Rep. Sands moved that **House Bill No. 3138**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....93  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

**\*House Joint Resolution No. 746** -- Constitutional Amendments - Requires three-fifths majority of each house of general assembly to raise rate of sales tax or any tax measured by income. by \*Rinks, \*Buck, \*Newton, \*Walker, \*Stanley, \*Cole (Carter), \*Patton, \*Ford S, \*White, \*Sands, \*Maddox, \*Fitzhugh, \*Bone.

Further consideration of House Joint Resolution No. 746 previously considered on April 24, 2002 at which time the House adopted Amendment(s) No(s) 1 and 2, and May 1, 2002, at which time it was reset for today's Calendar.

Rep. Buck requested that the Clerk read House Joint Resolution No. 746, as amended, for the second Constitutional reading, according to the Tennessee Constitution.

The Clerk read House Joint Resolution No. 746, as amended.

Rep. Buck moved that House Joint Resolution No. 746, as amended, be reset for the Regular Calendar on May 15, 2002 for third reading, which motion prevailed.

**House Bill No. 2831** -- Election Laws - Enacts "Tennessee Provisional Voting Rights Act of 2002." Amends TCA Section 2-7-112. by \*Briley, \*Jones, S.. (\*SB2583 by \*Burks)

Further consideration of House Bill No. 2831 previously considered on April 24, 2002 and May 1, 2002, at which time it was reset for today's Calendar.

Rep. Briley moved that House Bill No. 2831 be reset for the Regular Calendar on July 4, 2002, which motion prevailed.

**House Bill No. 2510** -- Eminent Domain - Excludes redevelopment projects and redevelopment plans from prohibition on housing authority to take private property in urban renewal area by eminent domain for purposes of resale. Amends TCA Title 13, Chapter 20. by \*Briley. (\*SB2417 by \*Haynes)

Further consideration of House Bill No. 2510 previously considered on April 17, 2002, April 24, 2002 and May 1, 2002, at which time it was reset for today's Calendar.

Rep. Hargrove moved that House Bill No. 2510 be reset for the Regular Calendar on May 15, 2002, which motion prevailed.

**House Bill No. 2609** -- Workers' Compensation - Requires employers with over five years workers' compensation experience to be evaluated on their risk history rather than on their industry classification. Amends TCA Title 50, Chapter 6 and Title 56, Chapter 5. by \*West. (\*SB2645 by \*Cooper J)

Further consideration of House Bill No. 2609 previously considered on May 1, 2002, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

**BILL RE-REFERRED**

Rep. West moved that House Bill No. 2609 be re-referred to the House Calendar and Rules Committee, which motion prevailed.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 1757** -- Consumer Protection - Expands consumer actions and definition of "consumer" to include out-of-state consumers if violator located in whole or in part in state; moneys awarded to consumer in state action are set off in any private action. Amends TCA Title 47, Chapter 18. by \*Briley, \*Sands, \*Ridgeway, \*Pinion, \*Cole (Dyer). (\*SB1110 by \*Herron)

Further consideration of House Bill No. 1757 previously considered on May 1, 2002, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

**BILL RE-REFERRED**

Rep. Briley moved that House Bill No. 1757 be re-referred to the House Calendar and Rules Committee, which motion prevailed.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 1036** -- Employees, Employers - Authorizes police department employee to request monthly payroll deduction for membership dues in employee association; requires political subdivision to comply with request if 10 percent of all employees belong to association. Amends TCA Title 7, Chapter 51, Part 2. by \*West. (\*SB817 by \*Davis L)

Rep. Boyer moved that House Bill No. 1036 be reset for the Regular Calendar on May 15, 2002, which motion prevailed.

**\*House Bill No. 3125** -- Gambling - Exempts pinball machines manufactured before 1980 from prohibition against gambling. Amends TCA Title 39, Chapter 17. by \*Armstrong. (SB3025 by \*Haun)

Further consideration of House Bill No. 3125 previously considered on April 24, 2002, at which time the bill failed to receive a Constitutional majority and was reset for today's Calendar.

Rep. Armstrong moved that House Bill No. 3125 be reset for the Regular Calendar on May 15, 2002, which motion prevailed.

**House Bill No. 1767** -- Election Laws - Specifies that price for purchase of voter registration list must be reasonable. Amends TCA Title 2. by \*McMillan, \*Jones U (Shelby). (\*SB1201 by \*Cooper J, \*Cohen)

On motion, House Bill No. 1767 was made to conform with **Senate Bill No. 1201**; the Senate Bill was substituted for the House Bill.

Rep. U. Jones moved that Senate Bill No. 1201 be passed on third and final consideration.

On motion, Rep. U. Jones withdrew State and Local Government Committee Amendment No. 1.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 1201 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 2-7-140(c)(2), is amended by designating the existing language as sub-item (A) and adding the following language to be designated as sub-item (B) and sub-item (C):

(B) A county election commission may establish a centrally located site or sites to be designated by such commission for voters voting under this subdivision.

(C) If a county elects to establish a centrally located site or sites, then the official at such former polling location shall notify the voter that the voter has the option to vote either at the new polling place or at the centrally located site or sites, if such locations are established by the county election commission. Provided that in computerized counties, each such centrally located site shall be equipped with computer capabilities linked to the county election commission office to allow the voter's records to be changed or corrected in the same manner as if the voter were to appear at the county election commission office on election day in order that the voter may cast the appropriate ballot.

SECTION 2. Tennessee Code Annotated, Section 2-7-141(b), is amended by designating the existing language as subdivision (1) and by adding the following language to be designated as subdivision (2) and subdivision (3):

(2) A county election commission may establish a centrally located site or sites to be designated by such commission for voters voting under this subsection.

(3) If a county elects to establish a centrally located site or sites, then the official at such polling location shall notify the voter that the voter has the option to vote either at the new polling place or at a centrally located site or sites, if such locations are established by the county election commission. Provided that in computerized counties, each such centrally located site shall be equipped with computer capabilities linked to the county election commission office to allow the voter's records to be changed or corrected in the same manner as if the voter were to appear at the county election commission office on election day in order that the voter may cast the appropriate ballot.

SECTION 3. Tennessee Code Annotated, Section 2-8-113(a), is amended by deleting the language "equal to or greater than five percent (5%) of the total number of votes cast in the primary on the day of the election" and substituting instead the language "equal to or greater than five percent (5%) of registered voters in the district".

SECTION 4. Tennessee Code Annotated, Section 2-8-113, is amended by adding the following as a new, appropriately designated subsection:

(c) Any person trying to receive a party nomination by write-in ballots shall complete a notice requesting such person's ballots be counted in each county of the district no later than thirty (30) days before the primary election. Such person shall only have votes counted in counties where such notice was completed. The notice shall be on a form prescribed by the coordinator of elections and shall not require signatures of any person other than the person requesting ballots be counted. The coordinator of elections shall distribute such form to the county election commissions.

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 was adopted.

Rep. U. Jones moved that **Senate Bill No. 1201**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	79
Noes .....	12
Present and not voting .....	3

**WEDNESDAY, MAY 8, 2002 – EIGHTY-SIXTH LEGISLATIVE DAY**

Representatives voting aye were: Armstrong, Arriola, Bittle, Black, Bone, Bowers, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Cole (Dyer), Cooper, Curtiss, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Hagood, Hargrove, Harwell, Head, Hood, Jones U, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Sands, Sharp, Shaw, Shepard, Tidwell, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh – 79.

Representatives voting no were: Baird, Beavers, Clem, Cole (Carter), Hargett, Johnson, Kent, Pleasant, Rowland, Sargent, Stanley, Tindell -- 12.

Representatives present and not voting were: Boyer, Dunn, Goins -- 3.

A motion to reconsider was tabled.

**"House Bill No. 3132** -- Courts, Administrative Office of the - Clarifies cases to be "counted" and "reported" by AOC; clarifies that Tennessee court information system is to report court cases instead of count them. - TCA Title 16. by \*White, \*Kisber. (SB3129 by \*Rochelle)

On motion, House Bill No. 3132 was made to conform with **Senate Bill No. 3129**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill No. 3129 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 2.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 3 as follows:

**Amendment No. 3**

AMEND Senate Bill No. 3129 by deleting from the second sentence of Section - \_\_\_\_ added by Senate Judiciary Committee Amendment #2 the words "general fund" and substituting instead the words "county general fund".

On motion, Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 3 was adopted.

Rep. Kisber moved that **Senate Bill No. 3129**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	93
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh – 93.

A motion to reconsider was tabled.

#### **CHAIR TO DEBERRY**

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

#### **REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 1985** -- Safety, Dept. of - Authorizes department to transfer information contained on license applications to federal selective service system. Amends TCA Title 55. by \*Bittle, \*Shepard, \*Kent. (SB1958 by \*Burchett)

On motion, House Bill No. 1985 was made to conform with **Senate Bill No. 1958**; the Senate Bill was substituted for the House Bill.

Rep. Bittle moved that Senate Bill No. 1958 be passed on third and final consideration.

On motion, Rep. Ridgeway withdrew Transportation Committee Amendment No. 1.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 as follows:

#### **Amendment No. 1**

AMEND Senate Bill No. 1958 By deleting Section 5 of the printed bill in its entirety and by substituting instead the following:

SECTION 5. This act shall take effect July 1, 2002, the public welfare requiring it, and shall apply to all male United States citizens or immigrants at least eighteen (18) years of age but less than twenty-six (26) years of age who are applying for issuance, renewal or duplication of any intermediate driver license, driver license or photo identification license on or after the effective date of this act.

On motion, Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 2 was adopted.



Rep. Bittle moved that **Senate Bill No. 1958**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....92  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sargent, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Windle, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

**\*House Bill No. 3097** -- Game and Fish Laws - Raises value amount for protected wildlife from \$500 to \$750 for possession and trafficking felony penalty. Amends TCA Title 70, by \*McCord. (SB3021 by \*Burchett)

Rep. McCord moved that House Bill No. 3097 be passed on third and final consideration.

Rep. Garrett moved adoption of Conservation and Environment Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 3097 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 70-4-102, is amended by deleting subsection (c) in its entirety and by substituting instead the following language:

(c) A violation of this section is a Class B misdemeanor. In addition to the period of incarceration authorized by Section 40-35-111, a violation of this section may be punished by a fine not to exceed one thousand dollars (\$1,000).

SECTION 2. Tennessee Code Annotated, Section 70-1-206(a)(3) is amended by adding the following language and punctuation at the end:

in this connection, the commission is authorized to promulgate rules and regulations to permit a licensed trapper to release small game animals in counties contiguous to the counties where the animals were trapped;

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Conservation and Environment Committee Amendment No. 1 was adopted.

Rep. Rinks moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 3097 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 67-6-103, is amended by deleting subsection (a)(3)(B) in its entirety.

Rep. McCord moved that House Bill No. 3097 be reset for the Regular Calendar on May 15, 2002, which motion failed.

Rep. McCord requested that House Bill No. 3097 be moved to the heel of the Calendar.

**House Bill No. 2476** -- Child Custody and Support - Defines joint physical and legal custody; requires showing of direct physical harm or significant emotional harm to child or parent to rebut presumption joint custody in best interest of child. Amends TCA Title 36, Chapter 6, Part 1. by \*Patton, \*Fraleigh, \*Odom, \*DeBerry J, \*Bowers, \*West, \*Kernell, \*Bunch. (\*SB2427 by \*Haun, \*Henry)

Rep. Patton moved that House Bill No. 2476 be passed on third and final consideration.

Rep. Bunch moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Chumney moved adoption of Children and Family Affairs Committee Amendment No. 1 as House Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 2476 by deleting all of the language after the enacting clause and substituting therefor the following:

SECTION 1. Tennessee Code Annotated, Section 36-6-101(a)(2), is amended by adding the following at the end of that subdivision:

In each case, the court shall make affirmative written findings of the facts that constitute the basis for the custody arrangement. These findings shall be predicated upon the best interest of the child. Nothing in this subdivision shall interfere with the requirement that parties to an action for legal separation, annulment, absolute divorce or separate maintenance incorporate a parenting plan into the final decree or decree modifying an existing custody order.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Children and Family Affairs Committee Amendment No. 1 as House Amendment No. 2 was adopted.

Rep. Patton moved that **House Bill No. 2476**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Buttry, Caldwell, Casada, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

**House Bill No. 2652** -- DUI/DWI Offenses - Authorizes courts in Hamilton County to assess blood alcohol concentration test fee upon conviction of DUI or driving while impaired. Amends TCA Title 55, Chapter 10, Part 4. by \*Turner (Hamilton). (\*SB2355 by \*Fowler)

On motion, House Bill No. 2652 was made to conform with **Senate Bill No. 2355**; the Senate Bill was substituted for the House Bill.

Rep. Turner (Hamilton) moved that Senate Bill No. 2355 be passed on third and final consideration.

Rep. Windle moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as House Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 2355 by deleting the first sentence of the amendatory language of SECTION 1 and substituting instead the following:

( ) Notwithstanding any other law to the contrary, in any county having a population of not less than three hundred seven thousand eight hundred (307,800) nor more than three hundred seven thousand nine hundred (307,900), according to the 2000 federal census or any subsequent federal census, upon conviction for a violation of §55-10-401, §55-10-415, §55-10-418 or §55-10-408, the court shall assess against the defendant a blood alcohol concentration (BAT) test fee to be established by the county legislative body of any county to which this subsection applies in an amount not to exceed fifty dollars (\$50.00) for obtaining a blood sample for the purpose of performing a test to determine the alcoholic or drug content of the defendant's blood pursuant to §55-10-406 that are incurred by the governmental entity served by the law enforcement agency arresting the defendant. The fee authorized by this subpart shall only be assessed if a blood sample is actually taken from a defendant convicted of any such offenses and the test is actually performed on such sample.

On motion, Judiciary Committee Amendment No. 1 as House Amendment No. 2 was adopted.

Rep. Turner (Hamilton) moved adoption of Amendment No. 3 as follows:

**Amendment No. 3**

AMEND Senate Bill No. 2355 by deleting from the first sentence of the amendatory language of SECTION 1 as amended the code citation "§ 55-10-408" and substituting instead the code citation "§ 55-50-408".

On motion, Amendment No. 3 was adopted.

On motion, Rep. Kisber withdrew Finance, Ways and Means Committee Amendment No. 1 as House Amendment No. 4.

Rep. Turner (Hamilton) moved that **Senate Bill No. 2355**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....91  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

**WEDNESDAY, MAY 8, 2002 – EIGHTY-SIXTH LEGISLATIVE DAY**

**House Bill No. 3109** -- Municipal Government - Allows home rule municipalities to collect actual administrative expenses incurred as result of false threat or hoax involving biological weapons, destructive devices, or weapons of mass destruction if such municipality has adopted ordinance to prohibit such threat or hoax. Amends TCA Title 6, Chapter 54, Part 3. by \*Boyer, \*Tindell, \*Armstrong. (\*SB2422 by \*Atchley, \*Burchett)

On motion, House Bill No. 3109 was made to conform with **Senate Bill No. 2422**; the Senate Bill was substituted for the House Bill.

Rep. Boyer moved that **Senate Bill No. 2422** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	91
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

**House Bill No. 2808** -- Workers' Compensation - Defines mental injury for workers' compensation law. Amends TCA Title 50, Chapter 6. by \*Cole (Dyer), \*Bowers. (\*SB2568 by \*Clabough)

Further consideration of House Bill No. 2808 previously considered on April 10, 2002, April 17, 2002 and April 24, 2002, at which time it was reset for today's Calendar.

Rep. Cole (Dyer) moved that House Bill No. 2808 be reset for the Regular Calendar on May 15, 2002, which motion prevailed.

**\*House Bill No. 1434** -- Highways, Roads and Bridges - Clarifies that department of transportation has authority but does not have duty to remove all personal property encroachments from right-of-way of highways. Amends TCA Title 4, Title 7, Title 9, Title 10, Title 11, Title 12, Title 13, Title 20, Title 29, Title 42, Title 54, Title 55, Title 62, Title 65, Title 66, Title 67, Title 68, and Title 69. by \*Sands, \*McDaniel, \*Fowlkes, \*Jones U (Shelby). (SB1712 by \*Clabough)

Rep. Sands moved that House Bill No. 1434 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 1434 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-4-125, is amended by deleting it in its entirety, and by substituting instead the following language:

No state entity shall publicly disclose the social security number of any citizen of the state unless permission is given by such citizen or distribution is authorized under state or federal law. For the purposes of this section, "publicly disclose" shall not include the use of any social security number by any state governmental entity in the performance of its functions or the disclosure of any social security number to another state entity, political subdivision, agency of the federal government, or any private person or entity which has been authorized to perform certain duties as a contractor of the State of Tennessee. Any person or entity receiving a social security number from any state entity shall be subject to the same confidentiality provisions as the disclosing state entity. For purposes of this section, "state entity" means any state department, division, agency, bureau, board, commission, or other separate unit of government created or established by the constitution, by law or pursuant to law, including the legislative branch and the judicial branch, and any employee or agent thereof.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Sands moved that **House Bill No. 1434**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

**House Bill No. 2984** -- Education - Provides for employment through RFP process of construction manager for school construction projects. Amends TCA Section 49-2-203. by \*Ford S, \*Patton, \*Givens, \*Boyer, \*McDaniel, \*Davidson. (\*SB2432 by \*Haun)

Rep. Ford moved that House Bill No. 2984 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2984 by deleting all the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-2-203(a)(4)(C)(ii), is amended by deleting such subsection in its entirety and by substituting instead the following:

(ii) Construction management services which are provided for a fee and which involve coordination and oversight of the planning, design, bid and construction phases of the project, are deemed to be professional services and may be performed by a qualified person on the basis of recognized competence and integrity. Construction management services are to be procured through a request for proposals process. The request for proposals process will invite prospective proposers to participate and will indicate the service requirements and the factors used for evaluating the proposals. Such factors shall include construction manager's qualifications and experience on similar projects, qualifications of personnel to be assigned to the project, fees, or any additional factor or factors deemed relevant by the procuring entity for procurement of the service; cost is not to be the sole criterion for evaluation. The contract for such services will be awarded to the best-evaluated and responsive proposer. A construction manager is prohibited from undertaking actual construction work on a project over which such construction manager coordinates or oversees the planning, design, bid or construction phases of the project, except in instances where bids have been solicited twice and no bids have been submitted. If the construction manager can document that a good faith effort was made in each bid solicitation to obtain bids and no bids were received, then the construction manager can perform the construction work at a price agreed upon by the construction manager, the architect and the owner of the project. A school system, at its own discretion, may perform work on the project with its own employees and include the coordination and oversight of this work as part of the services of the construction manager.

SECTION 2. Tennessee Code Annotated, Section 49-2-203(a)(4)(C), is further amended by adding the following as a new subsection (iv):

(iv) Construction work which is under the coordination and oversight of a construction manager shall be procured through competitive bids as provided in this subsection.

SECTION 3. The comptroller of the treasury is directed to conduct a study of the impact of this act on the use of construction managers in the school building projects. The comptroller shall attempt to determine if this act has caused delays or increased costs of school building projects. The comptroller shall report to the general assembly not later than January 31, 2005, with recommendations.

SECTION 4. This act shall take effect July 1, 2002, the public welfare requiring it.

On motion, Finance, Ways and Means Committee Amendment No. 1 was adopted.

Rep. Patton moved that **House Bill No. 2984**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.



**\*House Bill No. 2889** -- Insurance Companies, Agents, Brokers, Policies - Enacts "Tennessee Insurance Producer Licensing Act of 2002." Amends TCA Title 56, Chapter 6, Part 1. by \*Lewis. (SB2936 by \*Cooper J)

Rep. Lewis moved that House Bill No. 2889 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2889 In Section 3 of the printed bill by deleting subdivision (3) and renumbering the remaining subdivisions appropriately.

AND FURTHER AMEND in Section 7 by deleting the first sentence in subsection (b) and substituting the following:

A business entity may obtain an insurance producer's license; however, only an individual licensed producer or limited lines producer shall sell, solicit or negotiate a contract of insurance in this state.

AND FURTHER AMEND in Section 9 by deleting subsection (e) in its entirety and substituting instead the following:

(e) Notwithstanding any other provision of this act, a person licensed as a limited line credit insurance producer or any other type of limited lines insurance producer in his or her home state shall receive a nonresident limited lines producer license, pursuant to subsection (a) of this section, as long as such a license is granted to residents of this state. Such license shall grant the nonresident the same scope of authority as granted a resident insurance producer holding such a license in this state.

AND FURTHER AMEND in Section 14 by deleting subsection (a) in its entirety and substituting instead the following:

(a) An insurer or insurance producer shall not pay a commission, service fee, brokerage fee or other valuable consideration to a person for selling, soliciting or negotiating insurance in this state if that person is required to be licensed under this act and is not so licensed.

AND FURTHER AMEND in Section 14 by deleting subsection (e) in its entirety.

AND FURTHER AMEND by deleting Section 15 in its entirety and substituting instead the following:

SECTION 15. A person shall be personally liable on all contracts of insurance unlawfully made within this state by or through such person directly or indirectly, for or on behalf of an insurance company not authorized to do business in this state.

AND FURTHER AMEND by deleting Section 28 in its entirety and substituting instead the following:

SECTION 28. This act for rulemaking purposes shall take effect immediately. Notwithstanding Section 1 of this act, Tennessee Code Annotated, Section 56-6-160(a), (b) and (c) shall remain in effect until July 1, 2004, at which time the replacement of the existing continuing education requirement in Section 8(c) shall take effect. The act for all other purposes shall take effect on January 1, 2003, the public welfare requiring it.

On motion, Commerce Committee Amendment No. 1 was adopted.

Rep. Lewis moved that **House Bill No. 2889**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**House Bill No. 2924** -- Taxes, Litigation - Imposes penalties on court clerks for failure to collect tax. Amends TCA Section 67-4-605. by \*DeBerry J. (\*SB2334 by \*Dixon, \*Person)

Rep. J. DeBerry moved that House Bill No. 2924 be reset for the Regular Calendar on May 15, 2002, which motion prevailed.

**\*House Bill No. 2200** -- Taxes, Real Property - Includes hospital and hospital property owned or leased by private not-for-profit 501(c)(3) corporation in definition of industrial and commercial property for payment of property taxes. Amends TCA Title 67. by \*Bunch. (SB2457 by \*Miller J)

On motion, House Bill No. 2200 was made to conform with **Senate Bill No. 2457**; the Senate Bill was substituted for the House Bill.

Rep. Bunch moved that Senate Bill No. 2457 be passed on third and final consideration.

Rep. U. Jones moved adoption of State and Local Government Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 2457 by deleting all language after the enacting clause and by substituting instead the following:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Title 67, Chapter 5, Part 2, is amended by adding the following as a new section:

Section 67-5-226. (a) Subject to the applicable requirements of § 67-5-212, real and tangible personal property owned and used by an organization as a museum shall have a one hundred percent (100%) exemption from property taxation if:

(1) The organization owns the real property for which the exemption is sought;

(2) The organization owning the property is exempted from the payment of federal income taxes by the United States Internal Revenue Code (26 U.S.C. § 501(c)(3));

(3) The property is located within the limits of an incorporated municipality;

(4) The exempt organization actually operates the museum;

(5) The museum displays local, regional and state crafts and items of historical interest; and

(6) The board members of the organization receive no compensation for their services.

(b) Any owner of real or personal property claiming exemption under this section shall be required to file an application for exemption with the state board of equalization on the same form and in the same manner prescribed in § 67-5-212(b).

SECTION . This act shall take effect upon July 1, 2002, the public welfare requiring it.

On motion, State and Local Government Committee Amendment No. 1 was adopted.

Rep. Bunch moved that **Senate Bill No. 2457**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....93  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

**\*House Bill No. 2392** -- Notary Public - Revises statute on acknowledgement of instruments by notaries public establishing that form of certificate does not establish validity; provides for presumption and burden of proof for challenges to signature. Amends TCA Title 66, Chapter 22. by \*Bunch. (SB2426 by \*Atchley)

**BILL HELD ON DESK**

Rep. Bunch moved that House Bill No. 2392 be held on the Clerk's desk, which motion prevailed.

**REGULAR CALENDAR, CONTINUED**

**\*House Bill No. 2967** -- Deeds - Clarifies definition of value of property for recordation of deed and payment of tax on transfer of property; requires register of deed to record deed based on certain documentation. Amends TCA Title 66, Chapter 24, Part 1 and Section 67-4-409. by \*Bunch. (SB3057 by \*Miller J)

**BILL HELD ON DESK**

Rep. Bunch moved that House Bill No. 2967 be held on the Clerk's desk, which motion prevailed.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 2570** -- Courts - Permits any authorized person to serve process; revises fee schedules for service of process. Amends TCA Title 8, Chapter 21, Part 9; Title 8, Chapter 8 and Title 16, Chapter 15, Part 9. by \*Buck, \*Sands, \*Boyer. (\*SB2413 by \*Haynes)

Rep. Buck moved that House Bill No. 2570 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2570 by deleting Section 1 in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-21-901, is amended by deleting the section in its entirety and substituting instead the following:

(a) Notwithstanding any other provision of law to the contrary, the sheriff or constable is entitled to demand and receive the respective fees for the following services where services are actually rendered:

(1) Service of Process

(A) For serving any process except as otherwise provided in this section or other applicable law, whether issued by a clerk for a general sessions, criminal, circuit, chancery or any other court, the sheriff or constable shall be entitled to the following fees, based on the manner in which process is served, for each item of process that must be served separately per person served:

(i) For service in person           \$20.00

(ii) For service by mail           \$10.00

(iii) For service by acceptance or consent  
or any other authorized method   \$10.00

(B) For summoning jurors in any proceeding   \$5.00

(C) For serving or delivering any other process or notice not related to a judicial proceeding and issued by an entity other than a court   \$10.00

(D) For returning any service of process where the sheriff or constable attempts service but is unsuccessful, the sheriff or constable shall only be entitled to a fee of seven dollars (\$7.00).

(2) Collection of money; returning, transporting, storing or establishing possession of property.

(A) For a levy of an execution on property or levy of an attachment or other process to seize property for the purpose of securing satisfaction of a judgment yet to be rendered or for executing a writ of replevin or writ of possession   \$40.00

(B)(1) For collecting money to satisfy a judgment, whether by execution, fieri facias, garnishment or other process, in civil cases each time collection is attempted.  
\$20.00

(2) For purposes of the payment of fees for garnishments as provided in this subdivision, all garnishments shall be deemed to be original garnishments and the sheriff or other person authorized by law to serve garnishments shall be entitled to the fee provided for in this subdivision for each such garnishment served.

(C) Whenever the sheriff or constable provides for the storage or maintenance of property including, but not limited to, vehicles, livestock and farm and construction equipment, that has been levied on by execution, attachment or other process, the sheriff or constable is entitled to demand and receive a reasonable per day fee for such services. The sheriff or constable is also entitled to demand and receive reimbursement for costs of transportation of such personal property to a suitable location for storage and maintenance when such action is necessary to secure such property. Any such fees for transportation, maintenance and/or storage shall be approved by the court issuing the execution, attachment or other process.

(3) Arrest and transportation of prisoners, bail bond.

(A) For executing every capias, criminal warrant, summons or other leading process, making arrest in criminal cases and carrying to jail, prison or other place of incarceration and guarding defendant arrested by warrant involving taking custody of a defendant \$40.00

(B) For citation in lieu of arrest or criminal warrant not involving physical custody of defendant \$25.00. For every bail bond \$5.00

If a sheriff or constable is required to act as a guard to escort prisoners, such sheriff shall be entitled to a per mile fee equal to the mileage allowance granted federal employees. Such fee shall be separate for each prisoner and computed on the distance actually traveled with the prisoner and shall be for no more than two (2) guards. Such fee shall only apply when the sheriff or constable is required to transport a prisoner from county to county or from state to state. Similarly, the sheriff shall be entitled to the same mileage allowance when required to transport a prisoner to a hospital or other mental health facility in another county or state for a judicially ordered evaluation.

(E) When two (2) or more criminal warrants are executed at the same time against the same individual, there shall be but one (1) arrest fee allowed when the fee is chargeable to the county and/or the state.

(4) Security Services

(A) For attending on grand jury, or waiting in court,  
per day \$75.00

(B) For waiting with a sequestered jury, per day  
\$100.00

(5) Data processing services

(A) For data processing services \$2.00

(B) The revenue from the two dollar (\$2.00) data processing fee levied by subdivision (A) above, shall be allocated by the sheriff's county for computerization, information systems and electronic records management costs of the sheriff's office. Such funds shall remain earmarked within the general fund and shall be reserved for the purposes authorized in this subdivision at the end of each fiscal year.

(b) Notwithstanding other provisions of this section to the contrary, any fee or mileage allowance permitted under this section, which is assessed against the state or which otherwise represents a cost to the state, shall be limited in amount to the fees allowable immediately prior to May 28, 1977.

(c) The court in its discretion may award as any part of any judgment rendered in a case recovery of fees for process served by any private process server but such fees awarded against a party shall not exceed the like fees as authorized by this section for services provided by sheriffs or constables.

AND FURTHER AMEND by deleting the words "to any person authorized to serve process" in subsection (a) of the amendatory language of Section 2 of the printed bill [adding new Section 16-15-901] and by substituting instead the words "to such person authorized to serve process as may be designated by the party filing such civil warrant, writ or other papers or such party's attorney if represented by counsel".

AND FURTHER AMEND by deleting the first sentence of subsection (b) of the amendatory language of Section 16-15-901 of SECTION 2 and substituting instead the following:

A civil warrant, attachment or any other leading process used to initiate an action in general sessions court and subpoenas or summons may be served by any person designated by the party, or the party's attorney, if represented by counsel, who is not a party to the action and is not less than eighteen (18) years of age. Service of other process and orders of the courts of this state shall be by sheriffs, constables or as provided by law.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Westmoreland moved the previous question, which motion prevailed.

Rep. Buck moved that **House Bill No. 2570**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....91  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cooper, Curtiss, Davidson, Davis (Washington), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Windle, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

**\*House Bill No. 3097** -- Game and Fish Laws - Raises value amount for protected wildlife from \$500 to \$750 for possession and trafficking felony penalty. Amends TCA Title 70. by \*McCord. (SB3021 by \*Burchett)

Further consideration of House Bill No. 3097 previously considered on today's Calendar at which time the House adopted Amendment(s) No(s). 1 and was on the motion to adopt Amendment(s) No(s). 2.

Rep. McCord moved that House Bill No. 3097, as amended, be passed on third and final consideration.

Rep. Rinks moved that the motion to adopt Amendment No. 2 be withdrawn, which motion prevailed.

Rep. McCord moved that **House Bill No. 3097**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....94  
Noes .....0



Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

## **MESSAGE CALENDAR**

### **HOUSE ACTION ON SENATE MESSAGE**

**Senate Bill No. 3089** -- Highway Signs - "Candace Ripp Memorial Parkway", segment of U.S. 31A (S.R. 6 or Ellington Parkway) in Davidson County, by \*Harper, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper J, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Jackson, \*Kurita, \*Kyle, \*McNally, \*Miller J, \*Norris, \*Person, \*Ramsey, \*Rochelle, \*Trail, \*Wilder, \*Williams, Sen.. (\*HB3161 by \*Pruitt, \*Langster)

Further consideration of Senate Bill No. 3089 previously considered on May 1, 2002, at which time it was reset for today's Message Calendar.

### **MOTION TO RECONSIDER**

Rep. Pruitt moved to lift from the table the motion to reconsider action in passing Senate Bill No. 3089, which motion prevailed.

**Senate Bill No. 3089** -- Highway Signs - "Candace Ripp Memorial Parkway", segment of U.S. 31A (S.R. 6 or Ellington Parkway) in Davidson County, by \*Harper, \*Atchley, \*Blackburn, \*Burchett, \*Burks, \*Carter, \*Clabough, \*Cohen, \*Cooper J, \*Crowe, \*Crutchfield, \*Davis L, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Graves, \*Harper, \*Haun, \*Haynes, \*Henry, \*Herron, \*Jackson, \*Kurita, \*Kyle, \*McNally, \*Miller J, \*Norris, \*Person, \*Ramsey, \*Rochelle, \*Trail, \*Wilder, \*Williams, Sen.. (\*HB3161 by \*Pruitt, \*Langster)

Rep. Pruitt moved to reconsider action in passing Senate Bill No. 3089, which motion prevailed.

On motion, the House reconsidered its action in adopting Amendment(s) No(s). 1. On motion, Amendment(s) No(s). 1 was/were withdrawn.

Rep. Pruitt moved that Senate Bill No. 3089 be passed on third and final consideration.

Rep. Head moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Head moved adoption of Amendment No. 3 as follows:

**Amendment No. 3**

AMEND Senate Bill No. 3089 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_ Tennessee Code Annotated, Title 54, Chapter 1, Part 1, is amended by adding the following new section:

54-1-132. The department shall fund from resources in the highway fund the cost of signage and marking of an interstate, U.S. highway or state highway designated as a memorial highway or memorial bridge for any of the following individuals killed in the line of duty:

(1) A member of the military, including the reserves and national guard; or

(2) Any state or local public safety official, including but not limited to members of the highway patrol, county law enforcement officials, local police officers, firefighters, whether paid or volunteer, and emergency medical personnel.

On motion, Amendment No. 3 was adopted.

Rep. Pruitt moved that **Senate Bill No. 3089**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE AMENDMENTS**

**House Bill No. 2869** -- Taxes, Ad Valorem - Revises general procedures for back assessment or reassessment of property. Amends TCA Section 67-1-1005. by \*Kisber. (\*SB2857 by \*Cooper J)

**Senate Amendment No. 2**

AMEND House Bill No. 2869 by deleting from the fourth sentence of Section 2 of the bill as amended the words "within forty-five (45) days from the date notice is sent as provided herein" and by substituting instead the words "within forty-five (45) days from the date that notice of taxes due is sent to the taxpayer".

**Senate Amendment No. 3**

AMEND House Bill No. 2869 by deleting from the fourth sentence of Section 2 of the bill as amended the words "within forty-five (45) days from the date notice is sent as provided herein" and by substituting instead the words "within sixty (60) days from the date that a copy of the certification is sent to the taxpayer".

Rep. Kisber moved that the House concur in Senate Amendment(s) No(s). 2 and 3 to **House Bill No. 2869**, which motion prevailed by the following vote:

Ayes .....	93
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE AMENDMENTS**

**\*House Bill No. 3144** -- Courts, Probate - Provides that appeals from probate court not served by circuit judge or chancellor go to circuit court for de novo hearing and appeals from probate court served by circuit judge or chancellor go to court of appeals. Amends TCA Title 30; Title 31 and Title 32. by \*Fowlkes. (SB3062 by \*Fowler)

**Senate Amendment No. 1**

AMEND House Bill No. 3144 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 30-2-609, is amended by deleting the section in its entirety and by substituting instead the following:

(a) In any county having a population of five hundred thousand (500,000) or more according to the 2000 federal census or any subsequent federal census, when the court having probate jurisdiction finally settles an account, any person adversely affected by the settlement may appeal from the judgment to the court of appeals.

(b) In any county having a population of less than five hundred thousand (500,000) according to the 2000 federal census or any subsequent federal census, when the court having probate jurisdiction finally settles an account:

(1) if the judge serving such court is the circuit court judge or chancellor of the judicial district, then any person adversely affected by the settlement may appeal from the judgment to the court of appeals; or,

(2) if the judge serving such court is not the circuit court judge or chancellor of the judicial district, then any person adversely affected by the settlement may appeal from the judgment to the appropriate trial court of general jurisdiction in which case the trial judge shall hear the matter de novo.

SECTION 2. (a) Except in any county having a population of five hundred thousand (500,000) or more according to the 2000 federal census or any subsequent federal census, the appeal of any decision, ruling, order or judgment of a probate court that is served by a judge who is not the circuit court judge or chancellor of the judicial district in which the matter arose shall be to the appropriate trial court of general jurisdiction in which case the trial judge shall hear the matter de novo.

(b) The appeal of any decision, ruling, order or judgment of a probate court that is served by the circuit court judge or chancellor of the judicial district in which the matter arose [or of a probate court in any county having a population of five hundred thousand (500,000) or more according to the 2000 federal census or any subsequent federal census], shall be to the court of appeals as otherwise provided by law or rule of court.

SECTION 3. This act shall take effect on July 1, 2002, the public welfare requiring it.

Rep. Fowlkes moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 3144**, which motion prevailed by the following vote:

Ayes .....95  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

### **HOUSE ACTION ON SENATE MESSAGE**

**\*Senate Bill No. 93** -- Sunset Laws - Health facilities commission, June 30, 2007. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 11. by \*Harper. (HB976 by \*Kernell, \*Brooks, \*Cooper B)

### **CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 93**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on Senate Bill No. 93 (House Bill No. 976) has met and recommends deleting all the language in the printed bill after the enacting clause and by substituting the following:

SECTION 1. Tennessee Code Annotated, Section 4-29-222 (a), is amended by deleting item (20) in its entirety.

SECTION 2. Tennessee Code Annotated, Section 4-29-225(a), is amended by adding two (2) new items thereto, as follows:

( ) Health services and development agency, created by this act;

( ) State health planning and advisory board, created by this act;

SECTION 3. Tennessee Code Annotated, Title 68, Chapter 11, Part 1, is repealed in its entirety effective July 1, 2002.

SECTION 4. Tennessee Code Annotated, Title 68, Chapter 11, is amended by adding a new part 16 as follows:

Section 68-11-1601. This part shall be known and may be cited as the "Tennessee Health Services and Planning Act of 2002."

68-11-1602. As used in this part, unless the context otherwise requires:

(1) "Agency" and "health services and development agency" means the agency created by this part to administer the certificate of need program and related activities;

(2) "Board" and "state planning and advisory board" mean the board created by this part to develop the state health plan and other related studies;

(3) "Certificate of need" means a permit granted by the health services and development agency to any person for the establishment or modification of a health care institution, facility, or covered health service, at a designated location;

(4) "Conflict of Interest" means any matter before the agency in which the member or employee of the agency has a direct or indirect interest which is in conflict or gives the appearance of conflict with the discharge of the member's or employee's duties;

(A) "Direct interest" means a pecuniary interest in the persons involved in a matter before the agency. This interest applies to the agency member or employee, the agency member's or employee's relatives or an individual with whom or business as to which the member or employee has a pecuniary interest. For the purposes of this act, a relative is a spouse, parent, child, stepparent, stepchild, grandparent, grandchild, brother, sister, half-brother, half-sister, aunt, uncle, niece, or nephew by blood, marriage or adoption; and

(B) "Indirect interest" means a personal interest in the persons involved in a matter before the agency that is in conflict or gives the appearance of conflict with the discharge of the agency member's or employee's duties;

(5) "Department" means the department of health;

(6) "Ex parte communications" mean communications as defined by § 4-5-304;

(7) "Facility" means any real property or equipment owned, leased, or used by a health care institution for any purpose, other than as an investment;

(8)(A) "Health care institution" means any agency, institution, facility or place, whether publicly or privately owned or operated, which provides health services and which is one (1) of the following: nursing home; recuperation center; hospital; ambulatory surgical treatment center; birthing center; mental health hospital; mental retardation institutional habilitation facility; home care organization or any category of service provided by a home care organization for which authorization is required under part 2 of this chapter; outpatient diagnostic center; rehabilitation facility; residential hospice; non-residential methadone treatment facility or mental health residential treatment facility;

(B) "Health care institution" does not include:

(i) Ground ambulances;

(ii) Homes for the aged;

(iii) Any premises occupied exclusively as the professional practice office of a physician licensed pursuant to the provisions of title 63, chapter 6, part 2 and title 63, chapter 9, or dentist licensed by the state and controlled by such physician or dentist;

(iv) Administrative office buildings of public agencies related to health care institutions; or

(v) Christian Science sanatoriums operated, or listed and certified, by the First Church of Christ Scientist, Boston, Massachusetts;

(9) "Health service" means clinically related (i.e., diagnostic, treatment, or rehabilitation) services and includes those services specified as requiring a certificate of need under § 68-11-1607.

(10) "Home care organization" means any entity licensed as such by the department which is staffed and organized to provide "home health services," or "hospice services" as defined by § 68-11-201, to patients in either their regular or temporary place of residence;

(11) "Letter of intent" means the form prescribed by the agency which shall require a brief project description, location, estimated project cost, owner of the project and description of services to be performed;

(12) "Licensed beds" means the number of beds licensed by the agency having licensing jurisdiction over the facility;

(13) "Major medical equipment" means a single unit of medical equipment or a single system of components with related functions, which is used to provide medical and other health services and which costs more than the amounts determined under § 68-11-1607(a); "major medical equipment" does not apply to any equipment not directly related to patient care;

(14) "Patient" means and includes, but is not limited to, any person who is suffering from an acute or chronic physical or mental illness or injury or who is crippled, convalescent, infirm, or mentally retarded, or who is in need of obstetrical, surgical, medical, nursing, psychiatric or supervisory care;

(15) "Person" means any individual, trust or estate, firm, partnership, association, stockholder, joint venture, corporation or other form of business organization, the state of Tennessee and its political subdivisions or parts thereof, and any combination of persons herein specified, public or private; "person" does not include the United States or any agency or instrumentality thereof, except in the case of voluntary submission to the regulations established by this part;

(16) "Rehabilitation facility" means an inpatient or residential facility which is operated for the primary purpose of assisting in the rehabilitation of physically disabled persons through an integrated program of medical and other services which are provided under professional supervision;

(17) "Review Cycle" means the timeframe set for the review and initial decision on applications for certificate of need applications that have been deemed complete. The first day of the month is the first day of the review cycle; and

(18) "State health plan" means the plan that is developed by the state planning and advisory board pursuant to this part. The plan shall include clear statements of goals, objectives, criteria and standards to guide the development of health care programs administered or funded by the state of Tennessee through its departments, agencies or programs, and used by the agency when issuing certificates of need.

Section 68-11-1603. It is hereby declared to be the public policy of this state that the establishment and modification of health care institutions, facilities and services shall be accomplished in a manner which is orderly, economical and consistent with the effective development of necessary and adequate means of providing for the health care of the people of Tennessee. To this end, the provisions of this section shall be equitably applied to all health care entities, regardless of ownership or type, except those owned and operated by the United States government.

Section 68-11-1604. (a) There is hereby created a health services and development agency which has jurisdiction and powers relating to the certification of need and related reporting of all health care institutions, as defined by and subject to this chapter.



(b)(1) The agency shall have nine (9) members including the comptroller of the treasury or an employee of such department upon the designation of the comptroller of the treasury, the state director of TennCare or its successor or an employee of such department upon the designation of the director, the commissioner of the department of commerce and insurance or an employee of such department upon the designation of the commissioner, one (1) consumer member appointed by the speaker of the senate, one (1) consumer member appointed by the speaker of the house of representatives and five (5) members appointed by the governor which include one (1) person who has recent experience as an executive officer of a hospital or hospital system from a list of one (1) nominee submitted by the Tennessee Hospital Association; one (1) representative of the nursing home industry from a list of one (1) nominee submitted by the Tennessee Health Care Association; one (1) duly licensed physician from a list of one (1) nominee submitted by the Tennessee Medical Association; and one (1) consumer member .

(2) In making appointments to the health services and development agency, the governor and the speakers shall strive to ensure that racial minorities, females, persons sixty (60) years of age and older and the three (3) grand divisions of the state are represented.

(3) The consumer members shall be persons who are knowledgeable of health needs and services and who are further knowledgeable by training or experience in health care facility design or construction, financing of health care services or construction, reimbursement of health care services, or general health care economics. The consumer members shall not be a direct provider of health care goods or services.

(c)(1) No member of the agency shall serve beyond the expiration of such member's term, whether or not a successor has been appointed by the governor or the speakers.

(2) Except for the comptroller of the treasury, the commissioner of the department of commerce and insurance, the director of TennCare, or their appointed employees, agency members shall be appointed for three-year terms and no member shall serve more than two consecutive three-year terms. The terms shall be staggered so that the initial term for the physician and the consumer member appointed by the governor shall be three (3) years; the consumer member appointed by the speaker of the senate shall be one (1) year; and the nursing home representative, the hospital representative and the consumer member appointed by the speaker of the house of representatives shall be two (2) years. Following the initial terms, all terms shall be three years.

(3) If any member is absent from three (3) consecutive, regularly scheduled public meetings of the agency, such individual's membership shall be automatically terminated, and the position shall be considered as vacant.

(d)(1) Each member of the agency shall receive fifty dollars (\$50.00) per diem when actually engaged in the discharge of such member's official duties, and in addition, shall be reimbursed for all travel and other necessary expenses. However, agency members that are state employees shall not receive such per diem but shall be reimbursed for all travel and other necessary expenses.

(2) All expenditures shall be claimed and paid in accordance with the provisions of the comprehensive travel regulations as promulgated by the department of finance and administration, and approved by the attorney general and reporter.

(e)(1) The agency, at its first meeting and the first meeting in each second fiscal year thereafter, shall elect one of the consumer members as chair of the agency for a term of two years. No member shall serve consecutive terms as chair. At the same meeting, the agency shall elect from its members a vice chair to serve a term of one year. No member shall serve two consecutive terms as vice-chair.

(2) Meetings of the agency shall be held as frequently as its duties may require.

(3) Six (6) members shall constitute a quorum, but a vacancy on the agency shall not impair its power to act.

(4) No action of the agency shall be effective unless such action is concurred in by a majority of its members present and voting.

(5) In the event of a tie vote, the action shall be considered disapproved.

(6) The agency shall record by name the votes taken on all actions of the agency.

(7)(A) All agency members shall annually review and sign a statement acknowledging the statute, rules and policies concerning conflicts of interest.

(B) Any member, upon determining that a matter scheduled for consideration by the agency results in a conflict with a direct interest shall immediately notify the executive director and shall recuse himself or herself from any deliberation of the matter, making any recommendation or testifying concerning the matter or voting on the matter. The member shall join the public during the proceedings.

(i) Any member with an indirect interest shall publicly acknowledge such interest.

(ii) All members shall make every reasonable effort to avoid even the appearance of a conflict of interest. If a member is uncertain whether the relationship justifies recusal, the member shall follow the determination by the legal counsel for the agency.

(iii) A determination by the agency or any court that a member of the agency with a direct interest failed to provide notice and recuse from deliberations of the matter, making any recommendation or testifying concerning the matter or voting on the matter shall automatically be terminated from the agency and the position shall be considered vacant. The member shall not be eligible for appointment to any agency, board or commission of the state for a period of two years.

(iv) The executive director, upon determining that a conflict exists for the executive director or any member of the staff, shall notify the chairman of the agency and take such action as they prescribe and pursuant to this part.

Section 68-11-1605. In addition to the powers granted elsewhere in this part, the agency has the duty and responsibility to:

(1) Receive and consider applications for certificates of need, to review recommendations thereon, and to grant or deny certificates of need on the basis of the merits of such applications within the context of the local, regional and state health needs and plans, including, but not limited to, the state health plan developed pursuant to § 68-11-1625, in accordance with the provisions of this part;

(2) Consider and make recommendations and comment to the governor concerning the state health plan as developed and submitted by the state health planning and advisory board; and

(3) Promulgate rules, regulations and procedures deemed necessary by the agency for the fulfillment of its duties and responsibilities under this part and contract when necessary for the implementation of the certificate of need program and health planning as defined by this part;

(4) Weigh and consider the health care needs of consumers, particularly women; racial and ethnic minorities; TennCare/medicaid recipients and low-income groups whenever the agency performs its duties or responsibilities assigned by law.

Section 68-11-1606.(a) The agency shall appoint an executive director qualified by education and experience. The executive director shall demonstrate knowledge and experience in the areas of public administration and health policy development.

(b) The agency shall fix the salary of the executive director, who shall serve at the pleasure of the agency. The executive director shall be the chief administrative officer of the agency and the appointing authority, exercising general supervision over all persons employed by the agency.

(c) The executive director shall have the following duties:

(1) Keep a written record of all proceedings and transactions of the agency, which shall be open to public inspection during regular office hours;

(2) Administer the certificate of need process;

(3) Represent the agency before the general assembly;

(4) Oversee the issuance of responses to requests for determination regarding the applicability of the provisions of this part;

(5) Prepare the agenda, including consent and emergency calendars, and notice to the general public of all meetings and public hearings of the agency;

(6) Employ such personnel, within the budget, to assist in carrying out the provisions of this part;

(7) Carry out all policies, rules and regulations that are adopted by the agency and supervise the expenditure of funds.

(d) In addition to the duties provided in subsection (c), the agency shall have the authority to delegate, and it is the intent of the general assembly that the agency exercises such authority to delegate, the following responsibilities and duties to the executive director:

(1) Granting approval, denial deferral or referral to the agency of applications for certificate of need in accordance with §68-11-1609; and

(2) Granting approval or denial of modifications, changes of conditions or ownership, and extensions of certificates of need as in accordance with provisions of this part.

(e) The delegation of authority pursuant to §68-11-1606(d) shall continue until specifically revoked by the agency as a result of a determination that such revocation is necessary to insure the proper and orderly operations of the agency.

(f) Actions taken by the executive director shall be final as if the actions were taken by the agency; provided, that a member of the agency may, in the sole discretion of the member, request that the agency review the action of the executive director. Such request shall be made within fifteen (15) days of the notice of the action by the executive director, in which case the action shall not become final until the agency has rendered its final decision in the matter. The review shall be heard within forty-five (45) days of the request for review of the action.

(g) A party desiring the agency to review an action by the executive director must file a written petition for review with the agency within fifteen (15) days of notice of the action. The executive director shall notify the members within two (2) business days that a request for agency review of the initial action has been filed. Any member of the agency shall have fifteen (15) days to request an agency review. If no member requests a review within said fifteen (15) days, such petition shall be deemed denied. If the agency grants the petition to review of the initial action of the executive director, the agency shall set a public hearing reviewing the action. The public hearing shall be held within forty-five (45) days from the date the review was requested by the member. This shall not be construed to limit in any way the authority of any agency member to request a review within fifteen (15) days of the notice of the initial action of the executive director.

(h) All reviews by the agency of decisions made by the executive director shall be upon the written notice of the action of the executive of the director, the application file, reports from the appropriate reviewing agency, or such information as the agency shall direct.

(i) If the agency does not exercise its discretion to review a decision of the executive director, the executive director shall issue a certificate of need or other notices of the decision, which shall be subject to judicial review in the same manner as are final actions of the agency.

Section 68-11-1607. (a) No person may perform the following actions in the state except after applying for and receiving a certificate of need for the same:

(1) The construction, development, or other establishment of any type of health care institution;

(2) Modification of a health care institution, other than a hospital, including renovations and additions to facilities, where such modification requires a capital expenditure greater than two million dollars (\$2,000,000), or in the case of a hospital where such modification requires a capital expenditure greater than five million dollars (\$5,000,000). Acquisition of real property as an investment, not for immediate use by the health care institution, shall not be deemed a modification; however, the cost of such property (or its value at the time of application, regardless of whether acquired by lease, loan, or gift) shall be included as required by agency rules as part of the total project cost of any later proposed project for the improvement, development, or use of the property in a manner which does modify the institution's facilities or services in a manner which requires a certificate of need. This provision does not apply to expenditures not directly related to patient care;

(3) In the case of a health care institution, any change in the bed complement, regardless of cost, which:

(A) Increases by one (1) or more the total number of licensed beds;

(B) Redistributes beds from acute to long-term care categories;

(C) Redistributes beds from any category to rehabilitation, child and adolescent psychiatric, or adult psychiatric; or

(D) Relocates beds to another facility or site;

(4) Initiation of any of the following health care services: air ambulance, burn unit, neonatal intensive care unit, open heart surgery, extracorporeal lithotripsy, magnetic resonance imaging, cardiac catheterization, linear accelerator, positron emission tomography, swing beds, home health, hospice, psychiatric, rehabilitation or hospital-based alcohol and drug treatment for adolescents provided under a systematic program of care longer than twenty-eight (28) days, or methadone treatment provided through a facility licensed as a non-residential methadone treatment facility.

(5) A change in the location or replacement of existing or certified facilities providing health care services, major medical equipment, or health care institutions, except for home health agencies as permitted by agency rule. "Change in location," as provided in this subdivision, shall not be construed to mean each time a piece of mobile major medical equipment is moved to a facility site for which a certificate of need has been issued;

(6) The acquisition by any person of major medical equipment for service to patients, the cost of which, exclusive of renovations or modifications, exceeds one million five hundred thousand dollars (\$1,500,000); provided, that the requirements of this subdivision shall not apply to the replacement of the same or similar equipment or an upgrade of equipment which improves the quality or cost effectiveness of the service. In order to receive such exemption for replacement or upgrade of equipment, the person acquiring such replacement or upgrade shall file a written notice of such replacement or upgrade with the health services and development agency. The notice filed shall contain a description of the original equipment and the replacement or upgraded equipment, together with the cost of such equipment. The health services and development agency shall consider the information contained in the notice to determine if the replacement or upgraded equipment meets the requirements of this subdivision; and

(7) The discontinuation of any obstetrical or maternity service.

(b) No agency of the state, or of any county or municipal government, shall approve any grant of funds for, or issue any license to, a health care institution for any portion or activity thereof which is established, modified, relocated, changed, or resumed, or which constitutes a covered health care service, in a manner in violation of the provisions of this part. If any agency of the state, or any county or municipal government approves any grant of funds for, or issues any license to any person or institution that a certificate of need was required but was not granted, the license shall become void and the funds shall be refunded to the state within ninety (90) days. The agency has the authority to impose civil penalties and petition any circuit or chancery court having jurisdiction to enjoin any person who is in violation as further defined in this part.

(c)(1) Each application shall be commenced by the filing of a letter of intent. The letter of intent shall be filed between the first day of the month and the tenth day of the month, inclusive, prior to the commencement of the review cycle in which the application is to be considered. At the time of filing, the applicant shall cause the letter of intent to be published in a newspaper of general circulation in the proposed service area of the project. The published letter of intent must contain a statement:

(A) That any health care institution wishing to oppose the application must file written notice with the agency no later than fifteen (15) days before the agency meeting at which the application is originally scheduled; and

(B) That any other person wishing to oppose the application must file a written objection with the agency at or prior to the consideration of the application by the agency.

(2) Persons desiring to file a certificate of need application seeking a simultaneous review regarding a similar project for which a letter of intent has been filed, shall file with the agency a letter of intent within ten (10) days after publication of the first filed letter of intent. A copy of any letter of intent filed after the first letter of intent shall be mailed or delivered to the first filed applicant, and shall be published in a newspaper of general circulation in the proposed service area of the first filed applicant within ten (10) days after publication by the first filed applicant. The applications shall be considered and decided by the health services and development agency simultaneously. The agency may refuse to consider the applications simultaneously, if it finds that the applications do not meet the requirements of "simultaneous review" under the rules of the agency.

(3) Applications for a certificate of need, including simultaneous review applications, shall be filed within five (5) days from the date of publication of the letter of intent. Within ten (10) days of the filing of an application for a nonresidential methadone treatment facility with the agency, the applicant shall send a notice to the county executive of the county in which the facility is proposed to be located, the member of the house of representatives and the senator of the general assembly representing the district in which the facility is proposed to be located, and to the mayor of the municipality, if the facility is proposed to be located within the corporate boundaries of a municipality, by certified mail, return receipt requested, informing such officials that an application for a nonresidential methadone treatment facility has been filed with the agency by the applicant. All applications, original and simultaneous review, shall not enter the next review cycle unless filed with the agency within such time as to assure that such application is deemed complete in accordance with the rules of the agency.

(4) If there are two (2) or more applications to be reviewed simultaneously in accordance with this part and the rules of the agency, and one (1) or more of those applications is not deemed complete to enter the review cycle, the other applications that are deemed complete shall enter the review cycle. The application or applications that are not deemed complete to enter the review cycle will not be considered with the applications deemed complete and entering the review cycle.

(5) Review cycles shall begin on the first day of each of the following months: January, March, May, July, September, and November; provided, that the agency may expand the beginning of the review cycle to other months by rule. Written notice of the beginning of the review cycle will be made to all applicants deemed complete by the agency for that review cycle. The review cycle shall also be distributed to the members of the agency. If an application is not deemed complete within sixty (60) days after written notification is given to the applicant by the agency staff that the application is deemed incomplete, the application shall be deemed void. If the applicant decides to re-submit the application, the applicant shall comply with all procedures as set out by this part and a new filing fee shall accompany the application.



(6) Each application filed with the agency shall be accompanied by a nonrefundable examination fee which will be fixed by the rules of the agency.

(7) All information provided in the application or any information submitted to the agency in support of an application shall be true and correct. No substantive amendments to the application, as defined by rule of the agency, shall be allowed.

(8) Each applicant shall designate a representative as the contact person for the applicant and shall notify the agency, in writing, of the contact person's name, address, and telephone number. The applicant shall immediately notify the agency in writing of any change in the identity of the contact person or the contact person's address. In addition to any other method of service permitted by law, the agency may serve by registered or certified mail any notice or other legal document upon the contact person at such person's last address of record in the files of the agency. Notwithstanding any provisions of law to the contrary, service in the manner specified herein shall be deemed to constitute actual service upon the applicant.

(d)(1) No communications are permitted with the members of the agency once the letter of intent initiating the application process is filed with the agency. Communications between agency members and agency staff shall not be prohibited. Any communication received by an agency member from a person unrelated to the applicant or party opposing the application shall be reported to the executive director and a written summary of such communication shall be made part of the certificate of need file.

(2) All communications between the contact person or legal counsel for the applicant and the executive director or agency staff after an application is deemed complete and placed in the review cycle are prohibited unless submitted in writing or confirmed in writing and made part of the certificate of need application file. Communications for the purposes of clarification of facts and issues that may arise after an application has been deemed complete and initiated by the executive director or agency staff are not prohibited.

(e) For purposes of this of this part, agency action shall be the same as administrative action defined in § 3-6-102.

(f)(1) Notwithstanding the provisions of this section to the contrary, Tennessee state veterans' homes pursuant to the provisions of title 58, chapter 7 shall not be required to obtain a certificate of need pursuant to this section.

(2) Notwithstanding the provisions of this section to the contrary, the beds located in any Tennessee state veterans' home pursuant to the provisions of title 58, chapter 7 shall not be considered by the health services and development agency when granting a certificate of need to a health care institution due to a change in the number of licensed beds, redistributing beds, or relocating beds pursuant to the provisions of this section.

(g) A hospital with fewer than one hundred (100) licensed beds may increase its total number of licensed beds by ten (10) beds over any period of one (1) year without obtaining a certificate of need. The hospital shall provide written notice of the proposed increase in beds to the agency on forms provided by the agency, prior to the hospital's request for review to the board of licensing health care facilities.

(h) After a person holding a certificate of need has completed the actions for which a certificate of need was granted, such certificate of need shall expire.

(i) The owners of the following types of equipment shall register such equipment with the health services and development agency: computerized axial tomographers, lithotripters, magnetic resonance imagers, linear accelerators and position emission tomography. The registration shall be in a manner and on forms prescribed by the agency and shall include ownership, location, and the expected useful life of such equipment. The first registration of all equipment as listed above shall be on or before September 30, 2002. Thereafter, registration shall occur within ninety (90) days of acquisition of the equipment. All such equipment shall be filed on an annual inventory survey developed by the agency. The survey shall include but not be limited to the identification of the equipment and utilization data according to source of payment. The survey shall be filed no later than thirty (30) days following the end of each state fiscal year. The agency is authorized to impose a penalty not to exceed fifty dollars (\$50) for each day the survey is late.

(j) Notwithstanding the provisions of this section to the contrary, an entity, or its successor, that was formerly licensed as a hospital, and which has received from the commissioner of health a written determination that it will be eligible for designation as a critical access hospital under the medicare rural hospital flexibility program, is not required to obtain a certificate of need to establish a hospital qualifying for such designation, if it meets the requirements of this subsection. In order to qualify for the exemption set forth in this subsection, the entity proposing to establish a critical access hospital must publish notice of its intent to do so in a newspaper of general circulation in the county where the hospital will be located and in contiguous counties. Such notice shall be published at least twice within a fifteen-day period. The written determination from the department of health and proof of publication required by this subsection shall be filed with the agency within ten (10) days after the last date of publication. If no health care institution within the same county or contiguous counties files a written objection to the proposal with the agency within thirty (30) days of the last publication date, then the exemption set forth in this subsection shall be applicable; provided, this exemption shall apply only to the establishment of a hospital that qualifies as a critical access hospital under the medicare rural flexibility program and not to any other activity or service. If a written objection by a health care institution within the same county or contiguous counties is filed with the agency within thirty (30) days from the last date of publication, then the exemption set forth in this subsection shall not be applicable.

(k)(1) A nursing home may increase its total number of licensed beds by the lesser of ten (10) beds or ten percent (10%) of its licensed capacity over any period of one (1) year without obtaining a certificate of need. The nursing home shall provide written notice of the increase in beds to the agency on forms provided by the agency prior to the request for licensing by the board for licensing health care facilities.

(2) For new nursing homes, the ten (10) bed or ten percent (10%) increase cannot be requested until one (1) year after the date all of the new beds were initially licensed.

(3) When determining projected county nursing home bed need for certificate of need applications, all notices filed with the agency pursuant to § 68-11-1607(k)(1) with written confirmation from the board of licensing health care facilities that a request and application for license has been received and a review has been scheduled, shall be considered with the total of licensed nursing home beds plus the number of beds from approved certificates of need, but yet unlicensed.

(4) During such time as the provisions of § 68-11-1622 shall apply, the provisions of § 68-11-1607(k) shall be suspended.

Section 68-11-1608. (a) The departments of health and mental health and developmental disabilities shall review each application whose subject matter or funding is within their respective jurisdictions according to the process described in the rules of the health services and development agency. At a minimum, the reports shall provide:

(1) Verification of applicant-submitted information;

(2) Documentation or source for data;

(3) A review of the applicant's participation or non-participation in TennCare or its successor;

(4) Analyses of the impact of a proposed project on the utilization of existing providers and the financial consequences to existing providers from any loss of utilization that would result from the proposed project;

(5) Specific determinations as to whether a proposed project is consistent with the state health plan; and

(6) Further studies and inquiries necessary to evaluate the application pursuant to the rules of the agency.

(b) Upon request by interested parties or at the direction of the executive director, the staff of the agency shall conduct a fact-finding public hearing on the application in the area in which the project is to be located.

(c) Reviewing agencies shall have no more than sixty (60) days from the agency notice required by this part to file its written report with the agency. A copy of the evaluation made by the department shall be forwarded to the applicant, and to the agency, and shall be made available to others upon their request.

(d) The executive director may establish a date of less than sixty (60) days for reports on applications that are to be considered for a consent or emergency calendar established in accordance with agency rule. Any such rule shall provide that in order to qualify for the consent calendar, an application must not be opposed by any person with legal standing to oppose and the application must appear to meet the established criteria for the issuance of a certificate of need. If opposition is stated in writing prior to the application being formally considered by the agency, it will be taken off the consent calendar and placed on the next regular agenda, unless waived by the parties.

Section 68-11-1609. (a) The agency shall, upon consideration of an application and review of the evaluation and other relevant information thereon:

(1) Approve part or all of the application and grant a certificate of need for the same, upon any lawful conditions that the agency deems appropriate and enforceable on the grounds that those parts of the proposal appear to meet applicable criteria.

(A) Any such condition or conditions which are placed on a certificate of need, and which appear on the face of the certificate of need when issued shall also be made condition or conditions of any corresponding license issued, by the departments of health or mental health and developmental disabilities. Notwithstanding any provision of law to the contrary, any such conditions survive the expiration of the certificate of need, and remain effective until removed or modified by the agency. Such conditions shall become a requirement of licensure and shall be enforced by the respective licensing entity.

(B) The holder of a license or certificate of need which has a condition placed upon it by the agency may subsequently request that the condition be removed or modified, for good cause shown. The agency will consider the request and determine whether or not to remove or modify the condition. The procedure for requesting such a determination will be as provided by agency rules. If the holder of the license or certificate of need is aggrieved by the agency's decision, it may request a contested case hearing as permitted by this part.

(2) Disapprove part or all of the application and deny a certificate of need for the same on the grounds that the applicant has not affirmatively demonstrated that those parts of the proposal meet the applicable aforementioned criteria.

(3) Defer decisions for no more than ninety (90) days to obtain a clarification of information concerning applications properly before the agency if there are no simultaneous review applications being concurrently considered by the agency with the deferred application.

(b) No certificate of need shall be granted unless the action proposed in the application is necessary to provide needed health care in the area to be served, can be economically accomplished and maintained, and will contribute to the orderly development of adequate and effective health care facilities and/or services. In making such determinations, the agency shall apply the goals, objectives, criteria and standards in the state health plan, developed in accordance with § 68-11-1625. Additional criteria for review of applications shall also be prescribed by the rules of the agency. Notwithstanding any other provision of this subsection, when considering applications for new nursing home beds from the one hundred twenty-five bed medicare skilled nursing facility bed pool authorized in § 68-11-1622, the agency shall apply the criteria in this subsection. All other applications for new nursing home beds shall be governed solely by the provisions of § 68-11-1621. During the period of July 1, 2002 to June 30, 2003, the agency shall issue no certificates of need for new nursing home beds other than the one hundred twenty-five (125) medicare SNF beds authorized in § 68-11-1622.

(c) A certificate of need is valid for a period not to exceed three (3) years (for hospital projects) and two (2) years (for all other projects) from the date of its issuance and after such time shall expire; provided, that the agency may, in granting the certificate of need, allow longer periods of validity for certificates of need for good cause shown. Subsequent to granting the certificate of need, the agency may extend a certificate of need for a period upon application and good cause shown, accompanied by a nonrefundable reasonable filing fee, as prescribed by rule. An extension cannot be issued to any applicant unless substantial progress has been demonstrated. A certificate of need which has been extended shall expire at the end of the extended time period. The decision whether to grant such an extension is within the sole discretion of the agency, and is not subject to review, reconsideration, or appeal.

(d) A certificate of need which has expired is null and void, and of no effect. No revocation proceeding is required. No license or occupancy approval can be issued by the department of health or the department of mental health and developmental disabilities for any activity for which a certificate of need has become null and void.

(e) The agency's decision to approve or deny an application shall be final and shall not be reconsidered after the adjournment of the meeting in which the matter was considered. This provision does not limit the right to file a petition for a contested case hearing pursuant to § 68-11-1610, nor does it limit the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, part 3, pertaining to contested case hearings.

(f) Written notice of the decision of the agency approving, disapproving, or deferring an application, or parts thereof, shall be transmitted to the applicant, simultaneous review applicants, the department of health, the department of mental health and developmental disabilities, and others upon request.

(g)(1) Subject to subdivision (g)(2), any health care institution wishing to oppose a certificate of need application must file a written objection with the agency and serve a copy on the contact person for the applicant, not later than fifteen (15) days before the agency meeting at which the application is originally scheduled. An application for which the agency has received opposition shall be designated on the agency's agenda as an opposed application.

(2) A health care institution or other person may appear before the agency and express opposition to an application without complying with the requirements of subdivision (1); provided, that if a health care institution does not provide notice of its opposition as required by subdivision (1), and if such health care institution initiates a contested case pursuant to § 68-11-1610, then such health care institution shall be solely responsible for the agency's costs of the contested case proceeding and shall reimburse to the applicant the filing fee paid by the applicant, notwithstanding any other provision of law. Noncompliance with subdivision (1) shall not preclude a health care institution from intervening in a contested case proceeding initiated by the applicant.

Section 68-11-1610. (a) Within fifteen (15) days of the approval or denial by the agency of an application, any applicant, health care institution which filed a written objection in accordance with § 68-11-1609(g)(1), or any other person who objected to the application pursuant to § 68-11-1609 (g)(2), may petition the agency in writing for a hearing. Such petition shall be filed with the executive director. Notwithstanding any other provision of the law, all persons are barred from filing any petition for contested case hearing after such fifteen-day (15) period, and the agency shall have no jurisdiction to consider any late-filed petition. Upon receipt of a timely petition, the agency shall initiate a contested case proceeding as provided herein. At the hearing, no issue may be raised or evidence considered concerning the merits of an applicant considered by simultaneous review, unless the applicant met the requirements of this part of concurrent consideration with the application, which is the subject of the hearing.

(b) The contested case hearing required by this section shall be conducted in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, chapter 5, except as otherwise provided in this section.

(c) Contested cases initiated pursuant to this section shall be heard by an administrative law judge sitting alone. Petitions for contested cases received by the agency shall be forwarded immediately to the administrative division of the secretary of state's office for assignment to an administrative law judge.

(d) The administrative law judge to whom a case has been assigned shall convene the parties for a scheduling conference within fifteen (15) days of the date the petition for contested case is filed. At the scheduling conference, the parties shall state their respective positions on the arbitration and mediation alternatives described in this section below. If the parties are unable to agree on either the arbitration or mediation alternative, the scheduling order for the contested case adopted by the administrative law judge shall establish a schedule that results in a hearing completed within one hundred eighty (180) days of the date on which the petition for contested case was received by the agency, with the initial order to be entered within sixty (60) days of the date the hearing is completed. Extensions of time or variances from the scheduling order shall be granted sparingly, and only because of unforeseen developments that would cause substantial prejudice to a party.

(e) Initial orders of the administrative law judge in contested cases shall be reviewable upon request by the agency in accordance with the Uniform Administrative Procedures Act.

(f)(1) As an alternative to a contested case heard by an administrative law judge sitting alone, a contested case convened pursuant to this section may be decided through an arbitration process, as described herein, if all parties agree to such arbitration process.

(2) If the parties elect the arbitration process, an arbitrator shall be designated by mutual agreement of the parties, or in the event the parties cannot agree on an arbitrator, the administrative law judge to which the case is assigned shall designate an arbitrator from a list provided by the agency staff. The arbitrator shall have no personal or business relationships with any of the parties that would require recusal under the code of judicial conduct.

(3) The scheduling order requirements set forth in (c)(2) above shall not apply to arbitration proceedings conducted pursuant to this subsection.

(4) The administrative law judge shall remain assigned to the arbitration proceeding and shall rule on all matters relative to discovery, procedures and questions of law. At the arbitration hearing, the administrative law judge shall preside in the same manner as if the administrative law judge were sitting with an agency in a contested case.

(5) The arbitrator, in his or her discretion, may develop requests for documents or data to be submitted by the parties under oath. The administrative law judge shall enforce compliance with such requests.

(6) The findings of the arbitrator shall constitute the initial order in the case, unless the administrative law judge determines that the findings are based on a mistake or are unsupported by credible evidence. In the event the administrative law judge rejects the arbitrator's findings, the administrative law judge shall adopt a substitute initial order.

(7) The initial order in an arbitration proceeding shall be reviewed by the agency in accordance with the Uniform Administrative Procedures Act.

(f) As an additional alternative to the contested case process described in (c) above, the parties may agree to mediation of the issues raised in the contested case. The mediator shall be designated by mutual agreement of the parties. The parties may designate a mediator who is not listed as a qualified Rule 31 mediator, but such mediator shall observe the standards of professional conduct set forth in Appendix A to Rule 31, to the extent applicable. The mediator's fee shall be shared equally among the parties, except the state shall not be required to contribute to payment of the mediator's fee. If mediation results in agreement of the parties, such agreement shall be memorialized in the order terminating the contested case. A mediation proceeding under this subsection shall not be subject to the scheduling order requirements set forth in (c)(2) above.

(g) The general assembly declares the policy of the state to be that certificate of need contested cases should be resolved through arbitration or mediation, and the parties to such proceedings are encouraged to pursue these alternatives.



(h) Judicial review of the agency's final order in a contested case shall be as provided by law.

(i) All costs of the contested case proceeding, including the administrative law judge's costs, the arbitrator's fee, if any, and deposition costs, including fees of expert witnesses, shall be assessed against the losing party in the contested case. If there is more than one losing party, the costs shall be divided equally among the losing parties. No costs shall be assessed against the agency.

(j) The provisions of this section shall govern all contested cases relative to approval or denial decisions by the agency. Contested cases initiated with respect to certificate of need decisions by the health facilities commission shall be conducted in accordance with the Uniform Administrative Procedures Act and not by this section.

Section 68-11-1611. The agency shall, at least annually, review progress on any project covered by an issued certificate of need, and may require a showing by the holder of such certificate of substantial and timely progress to implement the project, and if, in the opinion of the executive director, such progress is lacking, the executive director may present a petition for revocation of the certificate of need for the agency's consideration. The agency may revoke the certificate of need based upon a finding that the holder has not proceeded to implement the project in a timely manner.

Section 68-11-1612. (a) The agency, in addition to the powers and duties expressly granted by this part, is authorized and empowered to petition any circuit or chancery court having jurisdiction to enjoin any person who is performing any of the actions specified in this part without possessing a valid certificate of need for the same.

(b) Jurisdiction is conferred upon the circuit and the chancery courts of the state to hear and determine such causes as chancery causes, and to exercise full and complete jurisdiction in such injunctive proceedings.

Section 68-11-1613. The division of TennCare or its successor by the fifteenth of each month, shall submit to the chairs of the senate and house finance, ways and means committees a statement reflecting the estimated impact on future state appropriations and/or expenditures of applications approved by the agency the preceding month.

Section 68-11-1614. (a) The commissioners of health and mental health and developmental disabilities shall establish policies and procedures to ensure independent review and verification of information submitted to the agency in applications, presentations, or otherwise.

(b) The purpose of such independent review and verification shall be to ensure that such information is accurate, complete, comprehensive, timely, and relevant to the decision to be made by the agency.

(c) The policies and procedures shall include, but not necessarily be limited to:

(1) Independent review and verification of such applicant-provided information as to the number of available beds within a region, occupancy rates, the number of individuals on waiting lists, the demographics of a region, the number of procedures, as well as any other critical information submitted or requested concerning an application;

(2) Staff examinations of data sources, data input, data processing, and data output, as well as verification of critical information through review procedures to include one (1) or more of the following:

(A) Analytical review;

(B) Tests for information on a sample basis by tracing facts to sources;

(C) Tests of all information provided, if necessary;

(D) Critical assessment of data sources, including the appropriateness of the sources; and

(E) Examination of the basis for projections of need, costs and available health services.

Section 68-11-1615. The commissioners of health and mental health and developmental disabilities shall establish policies and procedures to ensure independent review and verification of information submitted by health care providers for inclusion in the joint annual report.

Section 68-11-1616 Each decision rendered by the health services and development agency shall include written documentation and explanation of the factual and legal basis upon which the agency grants or denies the certificate of need.

Section 68-11-1617. (a) The agency has the power and authority, after notice and an opportunity for a hearing, to impose a civil monetary penalty against any person who performs, offers to perform, or holds such person out as performing any activity for which a certificate of need is required, without first obtaining a valid certificate of need.

(b) A civil penalty proceeding shall be initiated by the executive director of the agency with the filing a petition with the agency. The proceeding will be conducted as a contested case hearing in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, part 3. The agency will first determine whether the person is performing, offering to perform, or holding such person out as performing any activity for which a certificate of need is required, without having first obtained a valid certificate of need. If the agency finds such a violation, the agency may impose a civil penalty, which shall begin running prospectively on the effective date of the final order as defined below in this section.

(c) The civil penalty shall be in an amount not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) per day of continued activity or operation, after the effective date of the final order. Notwithstanding any provision of law to the contrary, the effective date of the final order shall be the thirty-first day following entry of the final order. Once a civil penalty has been imposed, the violator shall have the burden of submitting verifiable evidence satisfactory to the agency, that the violator has discontinued the activity for which the civil penalty was imposed. The penalty shall accrue from the effective date until such evidence of discontinuance is received at the agency office.

(d) If the violator does not appeal to chancery court pursuant to § 4-5-322, the penalty shall become due and payable on the sixty-first day following entry of the final order. If the violation continues, the amount of the civil penalty will continue to accrue, and the violator shall make monthly payments of the accrued amount to the agency.

(e) If an appeal is taken pursuant to § 4-5-322, the penalty shall be due and payable on the thirty-first day following entry of an order of the final appellate court ruling on the matter, if the penalty is upheld. If the violation continues during the pendency of the appeal, the amount of the penalty will continue to accrue. If the violator fails to pay the civil penalty when due, the agency may apply to the chancery court of Davidson County to have the penalty converted to a judgment, and seek execution of such judgment. In any such proceeding, the chancery court shall convert the civil penalty to a judgment unless the court finds the agency acted in the clear absence of any jurisdiction whatsoever.

(f) In determining whether to impose a civil penalty and the amount thereof, the agency may consider the following factors:

(1) The economic benefits gained from the activities in question. The agency does not have to show that the violator would not have been granted a certificate of need had one been sought;

(2) Whether the civil penalty and the amount thereof, will be a substantial economic deterrent to the violator and others;

(3) The circumstances leading to the violation, and whether the violator had notice that the activity was in violation of the certificate of need laws and/or agency regulations; and

(4) The financial resources of the violator, and the violator's ability to pay the penalty.

Section 68-11-1618. Notice must be made to the agency of change of ownership occurring within two (2) years of the date of the initial licensure of a health care institution. Such notice must be made within thirty (30) days of the change of ownership and must include documentation of the commitment from the subsequent owner to comply with all conditions placed on the original certificate of need, and on the license, pursuant to this part.

Section 68-11-1619. (a) In addition to any other grounds for revocation provided by other statutes, rule of law, or equity, the agency has the power to revoke a certificate of need whenever any of the following has occurred:

(1) The holder of a certificate of need has not made substantial and timely progress toward the completion of the project or acquisition of the equipment;

(2) The acquisition or project as described in the person's application has been changed or altered in such a manner as to significantly deviate from the acquisition or project approved by the agency when the certificate of need was granted;

(3) The decision to issue a certificate of need was based, in whole or in part, on information or data in the application which was false, incorrect, or misleading, whether intentional or not;

(4) The holder of the certificate of need has committed fraud in obtaining the certificate of need or has committed fraud upon the agency after the certificate of need was issued. For purposes of this section, "fraud" means any form of deceit, trickery, misrepresentation, or subterfuge, including, but not limited to, any of the following actions:

(A) Making a knowingly false statement, orally or in writing, in connection with a certificate of need application or project subject to the jurisdiction of the agency;

(B) Intentionally withholding or suppressing information which the person knows, or reasonably should know, is relevant to a certificate of need application or project subject to the jurisdiction of the agency;

(C) Altering, forging, or otherwise modifying, with fraudulent intent, any document submitted to the agency in connection with any certificate of need application or project subject to the jurisdiction of the agency; or

(5) The violation of any condition placed upon a certificate of need by the agency, prior to licensure by the department of health or department of mental health and developmental disabilities.

Section 68-11-1620. (a) Except as provided in this section, the transfer of a certificate of need shall render it and all rights thereunder null and void. As used in this section, "transfer" means:

(1) Any sale, assignment, lease, conveyance, purchase, grant, donation, gift or any other direct or indirect transfer of any nature whatsoever of a certificate of need; provided, that nothing herein shall prohibit the transfer of a certificate of need, other than a certificate of need for the establishment of a new health care institution, if the certificate of need is transferred as part of the transfer of ownership of an existing health care institution;

(2) With regard to a certificate of need for the establishment of a proposed new health care institution, a change of control of the entity prior to completion or licensing shall render the certificate of need and all rights thereunder null and void. "Change of control" means:

(A) In the case of a partnership, the termination of interest of a general partner;

(B) In the case of a limited liability company or limited liability partnership, a change in the composition of members or partners to the extent that the management or membership control is different than that described in the certificate of need application.

(C) In the case of a corporation, the termination of interest of a shareholder or shareholders controlling more than fifty percent (50%) of the outstanding voting stock of the corporation.

(D) Nothing in subdivision (a)(2) shall prohibit change of control as described herein if the agency determines, upon petition of the prospective owner or owners of the entity, that such prospective owner or owners demonstrate that they meet the criteria of economic feasibility, contribution of orderly development and the considerations of section § 68-11-1605.

(b) A certificate of need, and the rights thereunder, shall be null and void if it is the subject of a development contract or agreement to sell or lease the facility that was not fully disclosed in the application.

Section 68-11-1621. (a) Notwithstanding the provisions of the state health plan or any regulation of the agency, the provisions of this section establish the criteria for issuance of certificates of need for new nursing home beds regardless of site (including conversion of any beds to licensed nursing home beds). The agency is authorized to grant a certificate of need only if the applicant meets all of the requirements of this section.

(b) The first criterion which must be met is the need for the project:

(1) The need for nursing home beds shall be determined by applying the following population-based methodology:

County bed need = .0004 times population of the county sixty-five (65) years of age and under; plus,

0.01 x population age 65-74; plus,  
0.04 x population age 75-84; plus,  
0.15 x population age 85 and over.

When applying the foregoing bed need formula, the agency shall use the formula in effect at the time of initial consideration of an application rather than a formula in effect at the time of application. County population statistics shall be based upon official statistics provided by the department of health.

(2) The need for nursing home beds shall be projected two (2) years into the future from the current year, and

(3) The actual bed need shall be derived by subtracting the projected bed need from a bed total comprised of the number of nursing home beds licensed in the county plus certificate of need approved, but yet unlicensed beds.

(c) The second criterion which must be met is economic feasibility:

(1) The application must show and the agency must find that the project will meet or exceed the following parameters:

(A) A debt service coverage ratio greater than or equal to 1.25 by the end of the second year of projection. Debt service coverage ratio is net income before depreciation and interest expense divided by the annual debt service;

(B) A current ratio greater than or equal to 1.25 by the end of the second year of projections. Current ratio is current assets divided by current liabilities;

(C) Day's cash on hand greater than or equal to fifteen (15) days at the end of each year of projection. Day's cash on hand is cash plus equivalents divided by net operating expenses per day minus depreciation per day; and

(D) Long term debt as a percent of total capital less than or equal to ninety percent (90%). Long term debt as a percent of total capital is long term debt divided by long term debt plus shareholders' equity or fund balance; and

(2) The applicant must show and the agency must evaluate the project with reference to:

(A) Whether sufficient financial resources are available to implement and operate the project including levels of patient charges and proof of potential capital financing;

(B) The long range amortization of the project plus any cost associated with the original building if the proposed project is an addition or conversion of current space;

(C) A comparison of the cost of similar projects, including any construction costs, during the preceding year; and

(D) Projection of total costs over expected life of facility.

(d) When considering simultaneous review of two (2) or more applications for nursing home beds in the same county the agency shall consider the following criteria in addition to need and economic feasibility:

(1) Any unique qualities or characteristics the application exhibits that distinguish it from other nursing homes, in the form of clientele served or services offered;

(2) The extent to which each project proposes to meet any unmet needs of the area's population; and

(3) The comparative costs of the projects. In simultaneous review applications the focus shall be more on comparing the cost to the patient or payment source than a comparison of per bed or per square foot costs.

(e) The agency shall not approve the settlement of an appeal of the denial or issuance of a certificate of need if such settlement approves a project which does not meet the requirements of this section.

Section 68-11-1622. (a) During the fiscal year July 1, 2002 to June 30, 2003, the agency shall issue no certificates of need for new nursing home beds, including the conversion of hospital beds to nursing home beds or swing beds, other than one hundred twenty-five (125) beds per fiscal year, to be certified as medicare skilled nursing facility (SNF) beds as authorized in this section.

(b) The number of medicare SNF beds issued under this subsection shall not exceed thirty (30) for each applicant. The applicant shall specify in the application the skilled services to be provided and how the applicant intends to provide such skilled services. In reviewing applications, the agency shall consider the application without regard as to whether the applicant currently has medicare SNF beds. Applications for medicare SNF beds under this subsection shall be reviewed by the department and considered by the agency pursuant to § 68-11-1609, rather than § 68-11-1621. If the pool of one hundred twenty-five (125) medicare SNF beds created by this subsection is not depleted prior to June 30 of the fiscal year, the beds remaining in such pool shall be considered to be available to applicants who apply before June 30 of each fiscal year, even though review may occur after June 30 of that year.

Section 68-11-1623. All fees authorized by this part shall be maintained in a separate account administered by the health services and development agency. Fees include, but are not limited to, fees for the application of certificates of need, subscriptions, project cost-overruns, copying and contested cases. The account is established for the purpose of providing support for the implementation of the certificate of need program, data collection and the administration of the agency. It is the intent of the general assembly that the funds in this account shall not revert to the state general fund, but shall instead be carried forward for the purpose for which they were originally intended. It is also the intent of the general assembly that any accumulated revenues in excess of expenditures of the health facilities commission upon the date the health facilities commission ceases to exist shall be deposited in the agency account as created by this part for the administration of the certificate of need program. Furthermore, it is the intent of the general assembly that funds allocated for the fiscal year 2001-2002 for the health facilities commission shall fund the health services and development agency for the remainder of that same fiscal year. The executive director shall prepare a budget for submission and approval of the general assembly for each fiscal year thereafter.

Section 68-11-1624. At a hearing conducted by the agency for a nonresidential methadone treatment facility, if a local governing body requests to participate in such hearing, the officials of such governing body shall have the opportunity to appear before the agency and express support and/or opposition to the granting of a certificate of need to the applicant. The testimony of such officials shall be informational and advisory to the agency and the support of the local governing body shall not be a requirement for the granting of a certificate of need by the agency.

Section 68-11-1625. (a) (1) There is created a state health planning and advisory board composed of thirty-four (34) members. Twenty-four (24) members shall be appointed by the governor, three (3) appointed by the speaker of the senate, and three (3) appointed by the speaker of the house of representatives. The commissioners of the departments of health and mental health and developmental and disabilities shall serve as ex officio voting members. The chairmen of the finance, ways and means committees of the senate and the house of representatives shall serve as ex officio voting members. The members appointed by the governor shall be composed as follows:

(A) One (1) member from a medical school located in Tennessee;

(B) One(1) member who is a physician/surgeon as recommended by the Tennessee medical association or other similar major statewide association;

(C) One (1) member who is a registered nurse as recommended by the Tennessee nurses association or other similar major statewide association;

(D) One (1) member representing county governments as recommended by the Tennessee county services association or other similar major statewide association;



(E) One (1) member representing municipal governments as recommended by the Tennessee municipal league or other similar major statewide association;

(F) One (1) member representing rural hospitals as recommended by the Tennessee hospital association or other similar major statewide association;

(G) One (1) member representing government owned hospitals as recommended by the Tennessee hospital association or other similar major statewide association;

(H) One (1) member representing public and teaching hospitals as recommended by the Tennessee hospital association or other similar major statewide association;

(I) One (1) member representing urban hospitals as recommended by the Tennessee hospital association or other similar major statewide association;

(J) One (1) member representing rural nursing homes as recommended by the Tennessee health care association or other similar major statewide association;

(K) One (1) member who is a primary care physician as recommended by the Tennessee medical association or other similar major statewide association;

(L) One (1) member representing the private insurance industry as recommended by the Tennessee farm bureau federation or other similar major statewide association;

(M) One (1) member representing urban nursing homes as recommended by the Tennessee health care association or other similar major statewide association;

(N) One (1) member representing home health agencies as recommended by the Tennessee association of home care or other similar major statewide association;

(O) One (1) member representing hospices as recommended by the Tennessee association of home care or other similar major statewide association;

(P) One (1) member representing small businesses as recommended by the Tennessee chapter for the national federation of independent business or other similar major statewide association;

(Q) One (1) member representing organizations for the population over the age of sixty-five (65) years as recommended by the AARP or other similar major statewide association;

(R) One (1) member representing providers of mental health services as recommended by the Tennessee association of mental health organizations or other similar major statewide association;

(S) One (1) member representing the providers of developmental disability services as recommended by the Tennessee disability association or other similar major statewide association;

(T) One (1) member representing the state insurance committee;

(U) One (1) member representing labor as recommended by the Tennessee AFL-CIO labor council or other similar major statewide association;

(V) One (1) member representing organizations for indigent and underserved populations as recommended by the Tennessee justice center;

(W) One (1) member representing a businesses with more than one hundred fifty (150) employees as recommended by the Tennessee association of business or other similar major statewide association; and

(X) One (1) member recommended by the volunteer state medical association.

(2) The terms of the appointments shall be three (3) years. The terms shall be staggered so that the initial term for the first eight (8) members shall be one (1) year; the initial term for the second eight (8) members shall be two (2) years; and the term for the remaining eight (8) members shall be three (3) years. The speakers shall make their initial appointments designating one for a term of one (1) year, one for a term of two (2) years and one for a term of three (3) years. Following the initial terms, all terms shall be three (3) years. No member shall serve more than two consecutive, three-year terms.

(3) In making appointments to the state health planning and advisory board, the governor and the speakers shall strive to ensure that racial minorities, females, and persons sixty (60) years of age are represented.

(4) The members appointed by the speakers shall be persons who are knowledgeable of health needs and services and representative of the consumers of health care in Tennessee. The members shall not be a direct provider of health care goods or services.

(5) Members of the board shall be subject to removal by the governor or the speakers accordingly for neglect of duty or failure to attend at least 75% of the meetings of the board in any year. Vacancies shall be filled by the governor or speakers as appropriate.

(6) The member representing a medical school located in Tennessee shall serve as chairperson.

(7) Twenty-two (22) members shall constitute a quorum. The members shall elect a vice-chairman at the first meeting of the fiscal year.

(8) Members of the board that are not employed by the state will not be paid for their service. Each member will be reimbursed for travel expenses in accordance with the provisions of the comprehensive travel regulations as promulgated by the department of finance and administration.

(9) A separate account is authorized to provide support for the state health planning and advisory board. The following schedule of fees from healthcare providers shall be collected annually and administered by the health services and development agency. The account shall be used for the services required to fulfill the duties of the state health planning and advisory board. All planning staff shall be hired by and under the direction of the executive director of the health services and development agency. The following schedule shall apply:

- (A) Residential hospice---\$100 per license;
- (B) Nursing homes---\$100 per license;
- (C) Hospitals 1-100 beds---\$100 per license;
- (D) Hospitals 101-200 beds---\$200 per license;
- (E) Hospitals 201+ beds---\$300 per license
- (F) Ambulatory surgical treatment centers---\$100 per license;
- (G) Outpatient diagnostic centers---\$100 per center
- (H) Home care organizations---\$100 per license;
- (I) Homes for the aged---\$50 per license
- (J) Birthing centers---\$50 per license

- (K) Assisted living facilities---\$100 per license;
- (L) Alcohol and drug facilities (including non-residential methadone treatment facilities)---\$75 per license;
- (M) Mental health hospitals 1-100 beds---\$100 per license;
- (N) Mental health hospitals 101+ beds---\$200 per license;
- (O) Mental health residential treatment facilities---\$100 per license; and
- (P) Mental retardation institutional habilitation facilities---\$100 per license.

(b) It is the purpose of the board to develop a state health plan that is evaluated and updated at least annually. The plan shall guide the state in the development of health care programs and policies, and the allocation of health care resources in the state.

(c) It is the policy of the state of Tennessee that every citizen have reasonable access to emergent and primary care; that the state's health care resources are developed to address the needs of Tennesseans while encouraging competitive markets, economic efficiencies and the continued development of the state's health care industry; that every citizen can have confidence that the quality of health care is continually monitored and standards are adhered to by health care providers and that the state supports the recruitment and retention of a sufficient and quality health care workforce.

(d) The board shall be staffed administratively by the agency until such time that the agency has developed a planning and data resources staff. The agency staff shall coordinate the agendas and request the assistance of other agencies such as the departments of health and mental health and developmental disabilities to assist in the areas and programs under their jurisdiction by providing testimony, data and reports.

(e) The duties and responsibilities of the board include:

- (1) To develop and adopt a state health plan;
- (2) To submit the plan to the health services and development agency for comment;
- (3) To submit the state health plan to the governor for his approval and adoption;
- (4) To hold public hearings as needed;
- (5) To review and evaluate the plan at least annually;

(6) To respond to requests for comment and recommendations for health care policies and programs;

(7) To conduct an ongoing evaluation of Tennessee's resources for accessibility, including but not limited to financial, geographic, cultural, and quality of care;

(8) To review the health status of Tennesseans as presented annually to the board by the department of health and the department of mental health and developmental disabilities;

(9) To review and comment on federal laws and regulations that influence the health care industry and the health care needs of Tennesseans;

(10) To involve and coordinate functions with such state entities as necessary to ensure the coordination of state health policies and programs in the State;

(11) To prepare an annual report for the general assembly and recommend legislation for their consideration and study; and

(12) To establish a process for timely modification of the state health plan in response to changes in technology, reimbursement and other developments that affect the delivery of health care.

(f) At the first meeting of the board, the members shall review current criteria and standards developed by the health planning commission in 2001, and adopt the criteria and standards as guidance for the issuance of certificates of need until such time as a new state health plan is developed. The board may make subsequent changes to the criteria and standards pending development of the new state health plan.

Section 68-11-1626. After appointment of the health services and development agency members pursuant to this part, such members shall meet as soon as practicable for organizational and other purposes. It is the intent of the general assembly that the agency shall be fully and solely responsible for administration of the certificate of need process on July 1, 2002. Jurisdiction of the agency over the certificate of need process shall be effective simultaneously with the cessation of the health facilities commission, and there shall be no period in which a certificate of need is not required for the actions set forth in § 68-11-1607.

SECTION 5. The rules and regulations promulgated by the health facilities commission as of the effective date of this act shall remain in effect and become the rules and regulations of the health services and development agency until the agency promulgates new rules and regulations; provided, however, those rules and regulations of the health facilities commission contrary to this act shall be null and void as of July 1, 2002.

SECTION 6. This act shall not affect rights and duties that matured, penalties that were incurred or proceedings that were begun before its effective date by the agency existing prior to the effective date. It is the intent of the general assembly that all pending applications, contested cases and other matters proceed without interruption during the transition of authority between the health facilities commission and the health services and development agency. After the health facilities commission ceases to exist, the health services and development agency shall succeed to all the rights, powers and interests relative to such applications, contested cases and other matters. All rights and conditions assigned to existing certificates of need shall continue.

SECTION 7. (a) It is the intent of the general assembly that all property assigned to the health facilities commission be transferred to the health services and development agency. The agency shall have full authority over all administrative and budget processes transferred to the agency from the health facilities commission.

(b) Recognizing the years of faithful and dedicated service to the state of Tennessee by the employees of the health facilities commission, it is the intention of the general assembly that those employees who serve in jobs that would be classified as career service, as defined in § 8-30-208, receive the benefits and protection of career service status upon passage of this act without further examination or competition, provided that such employees must have completed at least six (6) months of service with the health facilities commission upon the effective date of this act.

(c) In addition to the designations of career service and executive service in § 8-30-208, the following shall be included in the executive service:

(1) The executive director of the agency; and

(2) Any attorneys employed by the agency.

(d) The executive director shall be appointed by the agency in accordance with § 68-11-1606 at the first meeting of the agency and serve as the appointing authority for the agency. All other executive service staff shall serve at the pleasure of the appointing authority. During the time period between the effective date of this act and the appointment by the agency of an executive director, the executive director of the health facilities commission shall serve as the interim executive director with oversight and consultation by the comptroller of the treasury. The interim director shall have all the responsibilities, powers and duties delegated to the executive director of the agency by this act.

SECTION 8. If any provision of this act of the application of it to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 9. The act shall take effect upon becoming law the public welfare requiring it.

**REMARKS FROM SPEAKER PRO TEMPORE LOIS DEBERRY ON SENATE BILL NO. 93**

*Senate Bill No. 93 on the Message Calendar today creates a larger problem for **residential homes for the aged**.*

*I have a bill, **House Bill No. 145**, which is behind the budget that will correct an inequity from last year that raised the annual license from \$300 to \$800 for the small 10 to 15 bed facilities.*

*This bill, Senate Bill No. 93, adds another \$50 to residential homes for the aged, and while these facilities are not involved in the con process, this increase in fees will be placed upon them.*

*I plan to vote to concur with the Conference Committee Report on Senate Bill No. 93, which will make the bill.*

*However, I am asking for your support in passing **House Bill No. 145** at the appropriate time to relieve the burden on the residential homes for the aged.*

**MESSAGE CALENDAR, CONTINUED**

Rep. Bowers moved that Senate Bill No. 93 be reset for the Message Calendar on May 15, 2002, which motion prevailed.

**HOUSE ACTION ON SENATE AMENDMENTS**

**\*House Bill No. 2969** -- Taxes, Ad Valorem - Increases hours of instruction needed for registration with state board of equalization as tax agent from 120 to 150 and requires agents to pass Tennessee certified assessor examination prior to registration. Amends TCA Section 67-5-1514. by \*Hargett. (SB3043 by \*Kyle)

**Senate Amendment No. 1**

AMEND House Bill No. 2969 by deleting all language following the enacting clause and substituting instead the following new language:

SECTION 1. Tennessee Code Annotated Section 67-5-1514(c)(2)(B) is amended by deleting subitem (i) in its entirety and substituting instead the following:

(i) Successfully completed not less than one hundred twenty (120) classroom hours of academic instruction in subjects whose primary substance relates to property appraisal or assessment of property from a college or university, or from a nationally recognized appraisal or assessment organization approved by the board; and

SECTION 2. Tennessee Code Annotated Section 67-5-1514 (c)(2)(B) is amended by adding the following appropriately designated new subitem:

( ) No person shall be required to take an examination if such person has qualified and registered with the state board of equalization prior to the effective date of this act and has maintained such registration in good standing.

SECTION 3. Tennessee Code Annotated Section 67-5-1514 is amended by adding the following appropriately designated new subsection:

( ) To be eligible for registration under this section, an individual must establish a place of business in this state or designate an agent for service of legal process who is a resident of this state. The board may waive any registration requirement for an applicant who holds a valid registration certificate or license issued by another state that has requirements for licensing or registration of property taxpayer agents that are at least equal to the requirements of this state. An applicant for reciprocity shall apply in the same manner as any other applicant and shall furnish the department with documents and other evidence substantiating the applicant's qualifications as department.

SECTION 4. This act shall take effect upon becoming a law the public welfare requiring it.

**Senate Amendment No. 1 to 1**

AMEND House Bill No. 2969 by inserting in Section 3 immediately following the language "the applicant's qualifications as" the language "required by the".

AND FURTHER AMEND Section 3 by deleting the word "department" everywhere it appears and by substituting instead the word "board".

**Senate Amendment No. 5**

AMEND House Bill No. 2969 by deleting the amendatory language of Section 2 of the bill as amended and by substituting instead the following:

( ) No person shall be required to meet the additional registration qualifications required by this act if such person has registered or applied for registration prior to the effective date of this act.

AND FURTHER AMEND by substituting the words and figures "on June 30, 2002" for the words "upon becoming a law" in amendatory Section 4.

Rep. Hargett moved that the House concur in Senate Amendment(s) No(s). 1 as amended and 5 to **House Bill No. 2969**, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0



Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

### HOUSE ACTION ON SENATE AMENDMENTS

**House Bill No. 532** -- Traffic Safety - Enacts "Passenger Contract Carrier Safety Act of 2001." Amends TCA Title 55, Chapter 8. by \*Ridgeway. (\*SB389 by \*Davis L)

#### Senate Amendment No. 2

AMEND House Bill No. 532 By deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 8, is amended by adding the following language as a new, appropriately designated part:

Section 55-8-201. Short title. This part shall be known and may be cited as the "Passenger Contract Carrier Safety Act of 2002".

Section 55-8-202. Regulations governing contract passenger carriers.

(a) Except as provided in subsection (b), all passenger contract carriers regularly transporting passengers within or through the state of Tennessee who operate vehicles with a seating capacity of less than eight (8) passengers, excluding the driver, and employing more than five (5) drivers must comply with the minimum safety standards established by this part.

(b) This part does not apply to:

(1) A person who makes a single daily round trip to commute to and from work;

(2) A person transporting only school children and teachers;

(3) A person operating an ambulance or funeral service;

(4) A person who, on occasion and not as a regular business enterprise, transports one (1) or more passengers for pay;

(5) A person operating a stretched-sedan type limousine;

(6) A person operating a taxicab service for the general public using vehicles with a seating capacity of fewer than seven (7) passengers;

(7) Any public nonprofit or private nonprofit that provides transportation to the general public or to a specific client group; or

(8) Any entity licensed under title 55, chapter 17, operating a courtesy van or other motor vehicle.

Section 55-8-203. Driver qualifications. (a)(1) Every passenger contract carrier covered pursuant to § 55-8-201 shall employ only drivers who have been examined for hearing, vision and any medical condition or drug use, either legal or illegal, which could cause impairment while driving.

(2) Such drivers must be re-examined every three (3) years to determine whether their hearing and vision is sufficient for operation of a commercial passenger vehicle and that no medical condition exists which would make them unsuitable for such employment.

(3) A minimum of twenty-five percent (25%) of the drivers of any covered passenger contract carrier shall be re-examined annually on a random basis for illegal drug use.

(b) The passenger contract carrier shall preserve and maintain records of examinations conducted pursuant to the provisions of this section at their registered place of business in Tennessee.

Section 55-8-204. Hours of service.

(a) A passenger contract carrier shall not permit, or require, any driver to remain on duty, and the driver shall not drive:

(1) More than twelve (12) hours following eight (8) consecutive hours off;

(2) If the driver's combined on-duty and drive time hours equal fifteen (15) hours since last obtaining eight (8) consecutive hours off-duty time; or

(3) If the total number of hours of on-duty time and drive time exceed seventy (70) hours in any period of eight (8) consecutive days.

However, in the event of an emergency or unforeseeable delay, a driver may drive for up to two (2) additional hours to complete an assignment or to deliver passengers to a safe location.

(b) For purposes of this section:

(1) Time spent driving a transport vehicle is considered time on duty even if no passengers are aboard the vehicle.

(2) Time spent performing any other service for the passenger contract carrier, or an associated business, during a twenty-four (24) hour period in which the transport vehicle driver is engaged in, or connected with, the movement of a transport vehicle is considered time on-duty.

(c) The passenger contract carrier shall maintain, and retain, for a period of six (6) months, accurate time records showing:

(1) The time the driver reports for duty each day;

(2) The total number of hours the driver is on-duty each day; and

(3) The time the driver is released from duty each day.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Ridgeway moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 532**, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Supplemental Consent Calendar for May 8, 2002:

**House Resolution No. 274** -- Memorials, Recognition - Vicki Louellen. by \*Naifeh.

**House Resolution No. 275** -- Memorials, Recognition - Arch Chemicals, Inc. by \*Newton.

**House Resolution No. 276** -- Memorials, Personal Occasion - Mrs. Hallie Pylant Maxwell, 100th birthday. by \*Sargent.

**House Resolution No. 277** -- Memorials, Recognition - Malcolm X, 77th birthday. by \*Brooks, \*Cooper B.

**House Resolution No. 278** -- Memorials, Recognition - Mrs. Pat Black. by \*Lewis.

**House Resolution No. 279** -- Memorials, Recognition - Earlene Evans. by \*Lewis.

**House Resolution No. 280** -- Memorials, Public Service - Reverend Marilyn J. Ramsey. by \*Pruitt.

**House Resolution No. 281** -- Memorials, Academic Achievement - Erica Renee Cade, Salutatorian, Midway High School. by \*Ferguson.

**House Resolution No. 282** -- Memorials, Professional Achievement - Cheryl Matney Sanders, First Woman Lieutenant in Tennessee Highway Patrol. by \*Ferguson, \*Windle, \*Johnson.

**House Resolution No. 283** -- Memorials, Academic Achievement - Chadwick Houston Branham, Valedictorian, Midway High School. by \*Ferguson.

**House Resolution No. 284** -- Memorials, Academic Achievement - Richard Allen Smith, Salutatorian, Roane County High School. by \*Ferguson.

**House Resolution No. 285** -- Memorials, Academic Achievement - Brent Alan Dooley, Valedictorian, Roane County High School. by \*Ferguson.

**House Resolution No. 286** -- Memorials, Sports - Andy McCollum, Tennessee Sports Writers Association 2001 Football Coach of the Year. by \*Rowland, \*Hood.

**House Resolution No. 287** -- Memorials, Interns - Ginilia Lowman. by \*Rowland, \*Hood.

**House Resolution No. 288** -- Memorials, Interns - Candice Noel DeGuira. by \*Mumpower, \*Davis (Washington), \*Godsey.

**House Resolution No. 289** -- Memorials, Academic Achievement - Janitha Khalana Robinson, Valedictorian, Wooddale High School. by \*Bowers.

**WEDNESDAY, MAY 8, 2002 – EIGHTY-SIXTH LEGISLATIVE DAY**

**House Resolution No. 290** -- Memorials, Academic Achievement - Phuong Hue Quach, Salutatorian, Wooddale High School. by \*Bowers.

**House Resolution No. 291** -- Memorials, Interns - Emily A. Menke. by \*Rhinehart, \*Phelan, \*Curtiss.

**House Resolution No. 292** -- Memorials, Public Service - Kingsport Police Department. by \*Godsey, \*Westmoreland, \*Davis (Washington), \*Mumpower.

**House Resolution No. 294** -- Memorials, Recognition - Fred D. and Anathia G. Beneby. by \*Hood, \*Beavers, \*Rowland.

**House Resolution No. 295** -- Memorials, Interns - Jeremy Logan Elrod. by \*Kisber, \*Head.

**House Joint Resolution No. 945** -- Memorials, Public Service - Lieutenant Glen Williamson, Bartlett Police Department. by \*Hargett, \*Pleasant.

**House Joint Resolution No. 946** -- Memorials, Recognition - Brandon Eggers. by \*Pleasant, \*Hargett.

**House Joint Resolution No. 947** -- Memorials, Academic Achievement - Holly Garrison, Salutatorian, Cordova High School. by \*Stanley.

**House Joint Resolution No. 948** -- Memorials, Academic Achievement - James Patrick Denton, Salutatorian, Evangelical Christian School. by \*Stanley.

**House Joint Resolution No. 949** -- Memorials, Academic Achievement - Erin Marie Moseley, Valedictorian, Evangelical Christian School. by \*Stanley.

**House Joint Resolution No. 950** -- Memorials, Academic Achievement - Amanda Carpenter, Valedictorian, Cordova High School. by \*Stanley.

**House Joint Resolution No. 951** -- Memorials, Interns - Steve Collier. by \*Kernell.

**House Joint Resolution No. 952** -- Memorials, Recognition - Al Cardiel, Athletic Director of the Year. by \*Montgomery.

**House Joint Resolution No. 953** -- Memorials, Recognition - Northwest Tennessee Economic Council. by \*Ridgeway.

**House Joint Resolution No. 954** -- Memorials, Public Service - Ruth Reeves. by \*White, \*Hargett.

**House Joint Resolution No. 955** -- Memorials, Death - Richard "Skippy" Stockman, Sr. by \*Fowlkes, \*White, \*Sands.

**WEDNESDAY, MAY 8, 2002 – EIGHTY-SIXTH LEGISLATIVE DAY**

**House Joint Resolution No. 956** -- Memorials, Recognition - Le Bonheur Children's Medical Center. by \*DeBerry J.

**House Joint Resolution No. 957** -- Memorials, Recognition - Dunavant Enterprises, Inc., supporter of new Memphis-Shelby County Public Library and Information Center. by \*Kernell, \*Bowers.

**House Joint Resolution No. 958** -- Memorials, Recognition - Time Warner Cable, supporter of new Memphis-Shelby County Public Library and Information Center. by \*Kernell, \*Bowers.

**House Joint Resolution No. 959** -- Memorials, Recognition - Kristi and Dean Jernigan and Storage USA, supporters of new Memphis-Shelby County Public Library and Information Center. by \*Kernell, \*Bowers.

**House Joint Resolution No. 961** -- Memorials, Professional Achievement - Julie R. Steele, Teacher of the Year, Mt. Juliet Christian Academy. by \*Beavers, \*Bone.

**House Joint Resolution No. 962** -- Memorials, Academic Achievement - Amy Castrovinci, Salutatorian, Mount Juliet Christian Academy. by \*Beavers, \*Bone.

**House Joint Resolution No. 963** -- Memorials, Professional Achievement - Byron Gallimore. by \*Ridgeway.

**House Joint Resolution No. 964** -- Memorials, Academic Achievement - Amanda Mitchell, Valedictorian, Antioch High School. by \*West.

**House Joint Resolution No. 965** -- Memorials, Recognition - Brian E. Kinner. by \*West.

**House Joint Resolution No. 966** -- Memorials, Academic Achievement - Russell Dale Goss, Salutatorian, Antioch High School. by \*West.

**House Joint Resolution No. 967** -- Memorials, Recognition - Jada Lynn Brisentine. by \*Pleasant, \*Wood.

**House Joint Resolution No. 968** -- Memorials, Academic Achievement - Katrina Virts, Valedictorian, Mount Juliet Christian Academy. by \*Beavers.

**House Joint Resolution No. 969** -- Memorials, Professional Achievement - Kay Jenkins Cowan of Cleveland, Mel Bedwell Small Businessperson of the Year. by \*Newton.

**House Joint Resolution No. 971** -- Memorials, Academic Achievement - April Rich. by \*DeBerry L, \*Bowers.

**House Joint Resolution No. 972** -- Memorials, Academic Achievement - Cristin Leigh Cox, Salutatorian, St. Benedict at Auburndale. by \*Stanley.

**House Joint Resolution No. 973** -- Memorials, Sports - Lawrence County High School Girls' Basketball Team. by \*White.

**WEDNESDAY, MAY 8, 2002 – EIGHTY-SIXTH LEGISLATIVE DAY**

**House Joint Resolution No. 974** -- Memorials, Interns - Tyson James Saltwell. by \*McDaniel, \*Pinion.

**House Joint Resolution No. 977** -- Memorials, Recognition - Alicia Collins, 2002 Shakespeare Competition Winner. by \*Turner (Shelby).

**House Joint Resolution No. 978** -- Memorials, Academic Achievement - Curtis Jerome Jordan, Valedictorian, Brainerd High School. by \*Turner (Hamilton).

**House Joint Resolution No. 979** -- Memorials, Academic Achievement - Emily Yarberry, Valedictorian, Union County High School. by \*Goins, \*Baird.

**House Joint Resolution No. 980** -- Memorials, Academic Achievement - Amanda Jane Skeen, Salutatorian, Union County High School. by \*Goins, \*Baird.

**House Joint Resolution No. 981** -- Memorials, Academic Achievement - Sara Chrzanowski, Valedictorian, Union County High School. by \*Goins, \*Baird.

**CONSENT CALENDAR**

**May 8, 2002**

The following local bills have been placed on the Supplemental Consent Calendar for **May 8, 2002**: House Bill(s) No(s). 3267 and 3278.

**SUPPLEMENTAL CONSENT CALENDAR**

**House Bill No. 3267** -- Robertson County - Subject to local approval, authorizes county commission to establish and maintain six highway commission zones of substantially equal population. Amends Chapter 380 of the Private Acts of 1947; as amended. by \*Davidson. (SB3213 by \*Graves)

**House Bill No. 3278** -- Bradley County - Subject to local approval, repeals acts relative to board of education which are inconsistent with each other and with general law; enacts act which conforms with present practice of election of school board in compliance with general law. - Repeals Chapter 324 of the Private Acts of 1959. by \*Newton. (SB3232 by \*Miller J)

**House Resolution No. 274** -- Memorials, Recognition - Vicki Louellen. by \*Naifeh.

**House Resolution No. 275** -- Memorials, Recognition - Arch Chemicals, Inc. by \*Newton.

**House Resolution No. 276** -- Memorials, Personal Occasion - Mrs. Hallie Pylant Maxwell, 100th birthday. by \*Sargent.

**House Resolution No. 277** -- Memorials, Recognition - Malcolm X, 77th birthday. by \*Brooks, \*Cooper B.

**WEDNESDAY, MAY 8, 2002 – EIGHTY-SIXTH LEGISLATIVE DAY**

**House Resolution No. 278** -- Memorials, Recognition - Mrs. Pat Black. by \*Lewis.

**House Resolution No. 279** -- Memorials, Recognition - Earlene Evans. by \*Lewis.

**House Resolution No. 280** -- Memorials, Public Service - Reverend Marilyn J. Ramsey. by \*Pruitt.

**House Resolution No. 281** -- Memorials, Academic Achievement - Erica Renee Cade, Salutatorian, Midway High School. by \*Ferguson.

**House Resolution No. 282** -- Memorials, Professional Achievement - Cheryl Matney Sanders, First Woman Lieutenant in Tennessee Highway Patrol. by \*Ferguson, \*Windle, \*Johnson.

**House Resolution No. 283** -- Memorials, Academic Achievement - Chadwick Houston Branham, Valedictorian, Midway High School. by \*Ferguson.

**House Resolution No. 284** -- Memorials, Academic Achievement - Richard Allen Smith, Salutatorian, Roane County High School. by \*Ferguson.

**House Resolution No. 285** -- Memorials, Academic Achievement - Brent Alan Dooley, Valedictorian, Roane County High School. by \*Ferguson.

**House Resolution No. 286** -- Memorials, Sports - Andy McCollum, Tennessee Sports Writers Association 2001 Football Coach of the Year. by \*Rowland, \*Hood.

**House Resolution No. 287** -- Memorials, Interns - Ginilla Lowman. by \*Rowland, \*Hood.

**House Resolution No. 288** -- Memorials, Interns - Candice Noel DeGuira. by \*Mumpower, \*Davis (Washington), \*Godsey.

**House Resolution No. 289** -- Memorials, Academic Achievement - Janitha Khalana Robinson, Valedictorian, Wooddale High School. by \*Bowers.

**House Resolution No. 290** -- Memorials, Academic Achievement - Phuong Hue Quach, Salutatorian, Wooddale High School. by \*Bowers.

**House Resolution No. 291** -- Memorials, Interns - Emily A. Menke. by \*Rhinehart, \*Phelan, \*Curtiss.

**House Resolution No. 292** -- Memorials, Public Service - Kingsport Police Department. by \*Godsey, \*Westmoreland, \*Davis (Washington), \*Mumpower.

**House Resolution No. 294** -- Memorials, Recognition - Fred D. and Anathia G. Beneby. by \*Hood, \*Beavers, \*Rowland.

**House Resolution No. 295** -- Memorials, Interns - Jeremy Logan Elrod. by \*Kisber, \*Head.



**WEDNESDAY, MAY 8, 2002 – EIGHTY-SIXTH LEGISLATIVE DAY**

**House Joint Resolution No. 726** -- Memorials, Personal Occasion - Ms. Annie Cox, 79th birthday. by \*Bone, \*Buck.

**House Joint Resolution No. 945** -- Memorials, Public Service - Lieutenant Glen Williamson, Bartlett Police Department. by \*Hargett, \*Pleasant.

**House Joint Resolution No. 946** -- Memorials, Recognition - Brandon Eggers. by \*Pleasant, \*Hargett.

**House Joint Resolution No. 947** -- Memorials, Academic Achievement - Holly Garrison, Salutatorian, Cordova High School. by \*Stanley.

**House Joint Resolution No. 948** -- Memorials, Academic Achievement - James Patrick Denton, Salutatorian, Evangelical Christian School. by \*Stanley.

**House Joint Resolution No. 949** -- Memorials, Academic Achievement - Erin Marie Moseley, Valedictorian, Evangelical Christian School. by \*Stanley.

**House Joint Resolution No. 950** -- Memorials, Academic Achievement - Amanda Carpenter, Valedictorian, Cordova High School. by \*Stanley.

**House Joint Resolution No. 951** -- Memorials, Interns - Steve Collier. by \*Kernell.

**House Joint Resolution No. 952** -- Memorials, Recognition - Al Cardiel, Athletic Director of the Year. by \*Montgomery.

**House Joint Resolution No. 953** -- Memorials, Recognition - Northwest Tennessee Economic Council. by \*Ridgeway.

**House Joint Resolution No. 954** -- Memorials, Public Service - Ruth Reeves. by \*White, \*Hargett.

**House Joint Resolution No. 955** -- Memorials, Death - Richard "Skippy" Stockman, Sr. by \*Fowlkes, \*White, \*Sands.

**House Joint Resolution No. 956** -- Memorials, Recognition - Le Bonheur Children's Medical Center. by \*DeBerry J.

**House Joint Resolution No. 957** -- Memorials, Recognition - Dunavant Enterprises, Inc., supporter of new Memphis-Shelby County Public Library and Information Center. by \*Kernell, \*Bowers.

**House Joint Resolution No. 958** -- Memorials, Recognition - Time Warner Cable, supporter of new Memphis-Shelby County Public Library and Information Center. by \*Kernell, \*Bowers.

**House Joint Resolution No. 959** -- Memorials, Recognition - Kristi and Dean Jernigan and Storage USA, supporters of new Memphis-Shelby County Public Library and Information Center. by \*Kernell, \*Bowers.

**WEDNESDAY, MAY 8, 2002 – EIGHTY-SIXTH LEGISLATIVE DAY**

**House Joint Resolution No. 961** -- Memorials, Professional Achievement - Julie R. Steele, Teacher of the Year, Mt. Juliet Christian Academy. by \*Beavers, \*Bone.

**House Joint Resolution No. 962** -- Memorials, Academic Achievement - Amy Castrovinci, Salutatorian, Mount Juliet Christian Academy. by \*Beavers, \*Bone.

**House Joint Resolution No. 963** -- Memorials, Professional Achievement - Byron Gallimore. by \*Ridgeway.

**House Joint Resolution No. 964** -- Memorials, Academic Achievement - Amanda Mitchell, Valedictorian, Antioch High School. by \*West.

**House Joint Resolution No. 965** -- Memorials, Recognition - Brian E. Kinner. by \*West.

**House Joint Resolution No. 966** -- Memorials, Academic Achievement - Russell Dale Goss, Salutatorian, Antioch High School. by \*West.

**House Joint Resolution No. 967** -- Memorials, Recognition - Jada Lynn Brisentine. by \*Pleasant, \*Wood.

**House Joint Resolution No. 968** -- Memorials, Academic Achievement - Katrina Virts, Valedictorian, Mount Juliet Christian Academy. by \*Beavers.

**House Joint Resolution No. 969** -- Memorials, Professional Achievement - Kay Jenkins Cowan of Cleveland, Mel Bedwell Small Businessperson of the Year. by \*Newton.

**House Joint Resolution No. 971** -- Memorials, Academic Achievement - April Rich. by \*DeBerry L, \*Bowers.

**House Joint Resolution No. 972** -- Memorials, Academic Achievement - Cristin Leigh Cox, Salutatorian, St. Benedict at Auburndale. by \*Stanley.

**House Joint Resolution No. 973** -- Memorials, Sports - Lawrence County High School Girls' Basketball Team. by \*White.

**House Joint Resolution No. 974** -- Memorials, Interns - Tyson James Saltwell. by \*McDaniel, \*Pinion.

**House Joint Resolution No. 977** -- Memorials, Recognition - Alicia Collins, 2002 Shakespeare Competition Winner. by \*Turner (Shelby).

**House Joint Resolution No. 978** -- Memorials, Academic Achievement - Curtis Jerome Jordan, Valedictorian, Brainerd High School. by \*Turner (Hamilton).

**House Joint Resolution No. 979** -- Memorials, Academic Achievement - Emily Yarberry, Valedictorian, Union County High School. by \*Goins, \*Baird.

**House Joint Resolution No. 980** -- Memorials, Academic Achievement - Amanda Jane Skeen, Salutatorian, Union County High School. by \*Goins, \*Baird.

**House Joint Resolution No. 981** -- Memorials, Academic Achievement - Sara Chrzanowski, Valedictorian, Union County High School. by \*Goins, \*Baird.

Rep. Kernell moved that all members of the Shelby County delegation voting aye on House Joint Resolution No. 957, 958 and 959 be added as sponsors, which motion prevailed.

Rep. Brooks moved that all members of the Black Legislative Caucus voting aye on House Resolution No. 277 be added as sponsors, which motion prevailed.

Rep. Kisber moved that all members voting aye on House Joint Resolution No. 955 be added as sponsors, which motion prevailed.

Rep. L. DeBerry moved that all members voting aye on House Joint Resolution No. 971 be added as sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Miller moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Supplemental Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Supplemental Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....	95
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

**UNFINISHED BUSINESS**

**RULES SUSPENDED**

Rep. Hood moved that the rules be suspended for the purpose of introducing House Resolution No. 293 out of order, which motion prevailed.

**House Resolution No. 293** -- Naming and Designating - May 15, 2002, National Peace Officers' Memorial Day in Murfreesboro. by \*Hood, \*Rowland, \*Beavers.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Hood, the resolution was adopted.

A motion to reconsider was tabled.

**RULES SUSPENDED**

Rep. U. Jones moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 744 out of order, which motion prevailed.

**Senate Joint Resolution No. 744** -- Naming and Designating - Firefighters' Day in Tennessee, September 11, 2002. by \*Herron, \*Henry, \*Cohen.

On motion of Rep. U. Jones, the resolution was concurred in.

A motion to reconsider was tabled.

**BILLS WITHDRAWN**

On motion of Rep. Newton, **House Bill No. 1952** was withdrawn from the House.

**BILL RE-REFERRED**

Rep. Rinks moved that **House Bill No. 2953** be re-referred from the House Committee on Calendar and Rules to the Budget Subcommittee and be properly placed on notice for Tuesday, May 14, 2002, which motion prevailed.

**RESOLUTIONS**

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Supplemental Consent Calendar No. 2 for May 8, 2002:

**House Joint Resolution No. 975** -- Memorials, Interns - Anthony Kirk Swor. by \*Buttry, \*McCord, \*Montgomery, \*Clem, \*Vincent.

**House Joint Resolution No. 976** -- Memorials, Sports - Bethel College Men's Basketball, NAIA Division II National Championship Tournament. by \*Maddox, \*Pinion, \*Phelan, \*Ridgeway, \*Rinks, \*Cole (Dyer).

**House Joint Resolution No. 982** -- Memorials, Professional Achievement - Clifford Davis, Milken National Educator Award Winner. by \*Buttry, \*Dunn, \*Bittle, \*Tindell, \*Hagood, \*Boyer, \*Armstrong.

**House Joint Resolution No. 983** -- Memorials, Academic Achievement - Jaclyn Craddock, Valedictorian, Riverdale High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 984** -- Memorials, Academic Achievement - Julie Drumm, Co-Valedictorian, Riverdale High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 985** -- Memorials, Academic Achievement - John Franklin Cheesebrew II, Valedictorian, Riverdale High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 986** -- Memorials, Academic Achievement - Kathryn "Katie" Nan Parker, Valedictorian, Smyrna High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 987** -- Memorials, Academic Achievement - Adam Mark Strength, Co-Valedictorian, Smyrna High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 988** -- Memorials, Academic Achievement - Brett Stephen White, Salutatorian, Smyrna High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 989** -- Memorials, Academic Achievement - Jenna Burnworth, Valedictorian, Oakland High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 990** -- Memorials, Academic Achievement - Jessica Wallace, Co-Valedictorian, Oakland High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 991** -- Memorials, Academic Achievement - Megan Rene Parker, Valedictorian, Oakland High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 992** -- Memorials, Academic Achievement - Adam M. Bowen, Co-Valedictorian, Riverdale High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 993** -- Memorials, Academic Achievement - Megan Elizabeth Riddle, Co-Valedictorian, Oakland High School. by \*Rowland, \*Beavers, \*Hood.

**WEDNESDAY, MAY 8, 2002 – EIGHTY-SIXTH LEGISLATIVE DAY**

**House Joint Resolution No. 994** -- Memorials, Academic Achievement - Jessica Dinkins, Salutatorian, Riverdale High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 995** -- Memorials, Academic Achievement - Elizabeth Watts, Valedictorian, Oakland High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 996** -- Memorials, Academic Achievement - Katharine Nobes, Valedictorian, Oakland High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 997** -- Memorials, Academic Achievement - Lauren Esther Sutterfield, Valedictorian, Oakland High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 998** -- Memorials, Academic Achievement - Geoffrey Paul Todd, Co-Valedictorian, Riverdale High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 999** -- Memorials, Academic Achievement - Emily Carroll, Valedictorian, Riverdale High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1000** -- Memorials, Academic Achievement - Brandi Renee Unklesbay, Valedictorian, Riverdale High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1001** -- Memorials, Academic Achievement - Shannon Woods, Valedictorian, Riverdale High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1002** -- Memorials, Academic Achievement - Christopher L. Smith, Valedictorian, Riverdale High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1003** -- Memorials, Academic Achievement - Lynne Napatalung, Valedictorian, Riverdale High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1004** -- Memorials, Academic Achievement - Sarah Catherine Lynch, Valedictorian, Riverdale High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1005** -- Memorials, Academic Achievement - Cynthia Keegan, Valedictorian, Riverdale High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1006** -- Memorials, Academic Achievement - Elisabeth Anne Glenn, Co-Valedictorian, Riverdale High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1007** -- Memorials, Academic Achievement - Mitzi Gargus, Valedictorian, Riverdale High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1008** -- Memorials, Academic Achievement - Kurtis Winston Tucker, Salutatorian, Eagleville High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1009** -- Memorials, Academic Achievement - Christopher Lee Camp, Valedictorian, LaVergne High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1010** -- Memorials, Academic Achievement - Nina J. Davis, Salutatorian, LaVergne High School. by \*Rowland, \*Beavers, \*Hood.

**WEDNESDAY, MAY 8, 2002 – EIGHTY-SIXTH LEGISLATIVE DAY**

**House Joint Resolution No. 1011** -- Memorials, Academic Achievement - Heather Love, Valedictorian, LaVergne High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1012** -- Memorials, Academic Achievement - Brian Beard, Valedictorian, LaVergne High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1013** -- Memorials, Academic Achievement - Russ Clendenin, Valedictorian, LaVergne High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1014** -- Memorials, Academic Achievement - Rachel Hicklen, Salutatorian, Blackman High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1015** -- Memorials, Academic Achievement - Amy Rebecca Taylor, Valedictorian, Riverdale High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1016** -- Memorials, Academic Achievement - Jenna Maples, Valedictorian, Riverdale High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1017** -- Memorials, Academic Achievement - Whitney Deason, Valedictorian, Oakland High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1018** -- Memorials, Academic Achievement - Stacey Haydel, Valedictorian, Oakland High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1019** -- Memorials, Academic Achievement - Katie Dudley, Valedictorian, Blackman High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1020** -- Memorials, Academic Achievement - Patrick George Leathers, Valedictorian, Eagleville High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1021** -- Memorials, Academic Achievement - Kyle Slogle, Valedictorian, Oakland High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1022** -- Memorials, Academic Achievement - Jonathan Andrew Phillips, Valedictorian, Oakland High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1023** -- Memorials, Academic Achievement - Amy Michele Jones, Valedictorian, Oakland High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1024** -- Memorials, Academic Achievement - Petrina Smith, Valedictorian, Oakland High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1025** -- Memorials, Academic Achievement - Cora Beth Smith, Valedictorian, Oakland High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1026** -- Memorials, Academic Achievement - Heather Ashley Lucht, Valedictorian, Smyrna High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1027** -- Memorials, Academic Achievement - Kristin Jane Mullins, Co-Valedictorian, Smyrna High School. by \*Rowland, \*Beavers, \*Hood.

## **WEDNESDAY, MAY 8, 2002 – EIGHTY-SIXTH LEGISLATIVE DAY**

**House Joint Resolution No. 1028** -- Memorials, Academic Achievement - Jason Thomas Parker, Valedictorian, Smyrna High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1029** -- Memorials, Academic Achievement - Autumn Joy Parker, Valedictorian, Oakland High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1030** -- Memorials, Academic Achievement - Emily Kay Beckman, Valedictorian, Oakland High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1031** -- Memorials, Academic Achievement - Terri Rene Simmons, Valedictorian, Oakland High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1032** -- Memorials, Academic Achievement - Jessica Layne, Valedictorian, Blackman High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1033** -- Memorials, Academic Achievement - Stephanie Irene Davis, Valedictorian, Smyrna High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1034** -- Memorials, Academic Achievement - Brandi Nicole Fleck, Valedictorian, Smyrna High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1035** -- Memorials, Academic Achievement - Adrienne Leigh DuBois, Valedictorian, Riverdale High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1036** -- Memorials, Professional Achievement - Reverend Willie Hardy, Sr. by \*Bowers, \*DeBerry L.

### **SUPPLEMENTAL CONSENT CALENDAR NO. 2**

**House Joint Resolution No. 975** -- Memorials, Interns - Anthony Kirk Swor. by \*Buttry, \*McCord, \*Montgomery, \*Clem, \*Vincent.

**House Joint Resolution No. 976** -- Memorials, Sports - Bethel College Men's Basketball, NAIA Division II National Championship Tournament. by \*Maddox, \*Pinion, \*Phelan, \*Ridgeway, \*Rinks, \*Cole (Dyer).

**House Joint Resolution No. 982** -- Memorials, Professional Achievement - Clifford Davis, Milken National Educator Award Winner. by \*Buttry, \*Dunn, \*Bittle, \*Tindell, \*Hagood, \*Boyer, \*Armstrong.

**House Joint Resolution No. 983** -- Memorials, Academic Achievement - Jaclyn Cradduck, Valedictorian, Riverdale High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 984** -- Memorials, Academic Achievement - Julie Drumm, Co-Valedictorian, Riverdale High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 985** -- Memorials, Academic Achievement - John Franklin Cheesebrew II, Valedictorian, Riverdale High School. by \*Rowland, \*Beavers, \*Hood.



**WEDNESDAY, MAY 8, 2002 – EIGHTY-SIXTH LEGISLATIVE DAY**

**House Joint Resolution No. 986** -- Memorials, Academic Achievement - Kathryn "Katie" Nan Parker, Valedictorian, Smyrna High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 987** -- Memorials, Academic Achievement - Adam Mark Strength, Co-Valedictorian, Smyrna High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 988** -- Memorials, Academic Achievement - Brett Stephen White, Salutatorian, Smyrna High School. by \*Rowland, \*Beavers, \*Hood.

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**House Joint Resolution No. 990** -- Memorials, Academic Achievement - Jessica Wallace, Co-Valedictorian, Oakland High School. by \*Rowland, \*Beavers, \*Hood.

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**House Joint Resolution No. 993** -- Memorials, Academic Achievement - Megan Elizabeth Riddle, Co-Valedictorian, Oakland High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 994** -- Memorials, Academic Achievement - Jessica Dinkins, Salutatorian, Riverdale High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 995** -- Memorials, Academic Achievement - Elizabeth Watts, Valedictorian, Oakland High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 996** -- Memorials, Academic Achievement - Katharine Nobes, Valedictorian, Oakland High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 997** -- Memorials, Academic Achievement - Lauren Esther Sutterfield, Valedictorian, Oakland High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 998** -- Memorials, Academic Achievement - Geoffrey Paul Todd, Co-Valedictorian, Riverdale High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 999** -- Memorials, Academic Achievement - Emily Carroll, Valedictorian, Riverdale High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1000** -- Memorials, Academic Achievement - Brandi Renee Unklesbay, Valedictorian, Riverdale High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1001** -- Memorials, Academic Achievement - Shannon Woods, Valedictorian, Riverdale High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1002** -- Memorials, Academic Achievement - Christopher L. Smith, Valedictorian, Riverdale High School. by \*Rowland, \*Beavers, \*Hood.

**WEDNESDAY, MAY 8, 2002 – EIGHTY-SIXTH LEGISLATIVE DAY**

**House Joint Resolution No. 1003** -- Memorials, Academic Achievement - Lynne Napatalung, Valedictorian, Riverdale High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1004** -- Memorials, Academic Achievement - Sarah Catherine Lynch, Valedictorian, Riverdale High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1005** -- Memorials, Academic Achievement - Cynthia Keegan, Valedictorian, Riverdale High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1006** -- Memorials, Academic Achievement - Elisabeth Anne Glenn, Co-Valedictorian, Riverdale High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1007** -- Memorials, Academic Achievement - Mitzi Gargus, Valedictorian, Riverdale High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1008** -- Memorials, Academic Achievement - Kurtis Winston Tucker, Salutatorian, Eagleville High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1009** -- Memorials, Academic Achievement - Christopher Lee Camp, Valedictorian, LaVergne High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1010** -- Memorials, Academic Achievement - Nina J. Davis, Salutatorian, LaVergne High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1011** -- Memorials, Academic Achievement - Heather Love, Valedictorian, LaVergne High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1012** -- Memorials, Academic Achievement - Brian Beard, Valedictorian, LaVergne High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1013** -- Memorials, Academic Achievement - Russ Clendenin, Valedictorian, LaVergne High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1014** -- Memorials, Academic Achievement - Rachel Hicklen, Salutatorian, Blackman High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1015** -- Memorials, Academic Achievement - Amy Rebecca Taylor, Valedictorian, Riverdale High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1016** -- Memorials, Academic Achievement - Jenna Maples, Valedictorian, Riverdale High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1017** -- Memorials, Academic Achievement - Whitney Deason, Valedictorian, Oakland High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1018** -- Memorials, Academic Achievement - Stacey Haydel, Valedictorian, Oakland High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1019** -- Memorials, Academic Achievement - Katie Dudley, Valedictorian, Blackman High School. by \*Rowland, \*Beavers, \*Hood.

**WEDNESDAY, MAY 8, 2002 – EIGHTY-SIXTH LEGISLATIVE DAY**

**House Joint Resolution No. 1020** -- Memorials, Academic Achievement - Patrick George Leathers, Valedictorian, Eagleville High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1021** -- Memorials, Academic Achievement - Kyle Slogle, Valedictorian, Oakland High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1022** -- Memorials, Academic Achievement - Jonathan Andrew Phillips, Valedictorian, Oakland High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1023** -- Memorials, Academic Achievement - Amy Michele Jones, Valedictorian, Oakland High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1024** -- Memorials, Academic Achievement - Petrina Smith, Valedictorian, Oakland High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1025** -- Memorials, Academic Achievement - Cora Beth Smith, Valedictorian, Oakland High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1026** -- Memorials, Academic Achievement - Heather Ashley Lucht, Valedictorian, Smyrna High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1027** -- Memorials, Academic Achievement - Kristin Jane Mullins, Co-Valedictorian, Smyrna High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1028** -- Memorials, Academic Achievement - Jason Thomas Parker, Valedictorian, Smyrna High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1029** -- Memorials, Academic Achievement - Autumn Joy Parker, Valedictorian, Oakland High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1030** -- Memorials, Academic Achievement - Emily Kay Beckman, Valedictorian, Oakland High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1031** -- Memorials, Academic Achievement - Terri Rene Simmons, Valedictorian, Oakland High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1032** -- Memorials, Academic Achievement - Jessica Layne, Valedictorian, Blackman High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1033** -- Memorials, Academic Achievement - Stephanie Irene Davis, Valedictorian, Smyrna High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1034** -- Memorials, Academic Achievement - Brandi Nicole Fleck, Valedictorian, Smyrna High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1035** -- Memorials, Academic Achievement - Adrienne Leigh DuBois, Valedictorian, Riverdale High School. by \*Rowland, \*Beavers, \*Hood.

**House Joint Resolution No. 1036** -- Memorials, Professional Achievement - Reverend Willie Hardy, Sr. by \*Bowers, \*DeBerry L.

Rep. Bowers moved that all members voting aye on House Joint Resolution No. 1036 be added as sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Miller moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Supplemental Consent Calendar No. 2 be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Supplemental Consent Calendar No. 2 be concurred in, which motion prevailed by the following vote:

Ayes .....94  
Noes.....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

#### RULES SUSPENDED

Rep. Buck moved that the rules be suspended to re-refer **House Bill No. 2332** from the House Committee on Calendar and Rules to the House Judiciary Committee, which motion prevailed.

#### ANNOUNCEMENTS

##### REPORT FILED

The Clerk announced that the Ad Hoc Committee on Children and Gun Safety has filed a report with the Clerk's office and that the same is available for review.

#### SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 862:** Rep(s). Briley as prime sponsor(s).

**House Bill No. 1106:** Rep(s). Givens and Ferguson as prime sponsor(s).

**WEDNESDAY, MAY 8, 2002 – EIGHTY-SIXTH LEGISLATIVE DAY**

**House Bill No. 1617:** Rep(s). Fraley, Tindell, Phelan, Davis (Washington), Fitzhugh and Ferguson as prime sponsor(s).

**House Bill No. 2067:** Rep(s). Davidson and McKee as prime sponsor(s).

**House Bill No. 2727:** Rep(s). Sands as prime sponsor(s).

**House Bill No. 2942:** Rep(s). McDonald as prime sponsor(s).

**House Bill No. 3051:** Rep(s). Davis (Cocke) as first prime sponsor(s).

**House Bill No. 3186:** Rep(s). Hood as prime sponsor(s).

**SPONSORS REMOVED**

On motion, Rep(s). McCord was/were removed as sponsor(s) of **House Bill No. 3051**.

**MESSAGE FROM THE GOVERNOR**

**May 8, 2002**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2390, without his signature.

JAY BALLARD, Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR**

**May 8, 2002**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2111, 2422, 2539, 2580, 2632, 2769, 2897, 2914, 2916, 2918, 2941, 2961, 3101, 3259, 3260, 3261, also, House Joint Resolution(s) No(s). 680, 855, 863, 864, 865, 866, 867, 868, 870, 871, 874, 875, 876, 878, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 908, 909, 910, 911, 912 and 914; with his approval.

JAY BALLARD, Counsel to the Governor.

**ENGROSSED BILLS**

**May 8, 2002**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 3277, also, House Joint Resolution(s) No(s). 646.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENROLLED BILLS**

**May 8, 2002**

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 2227.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**May 8, 2002**

The Speaker signed the following: House Bill(s) No(s). 2227.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**May 8, 2002**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2227; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**

**May 8, 2002**

The following bill(s) have been transmitted to the Governor for his action: House Bill(s) No(s). 2227.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS**

**May 8, 2002**

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1434, 2476, 2570, 2889, 2984, 3097, 3138, 3267, 3278, also, House Joint Resolution(s) No(s). 592.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS**

**May 8, 2002**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 726, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 961, 962, 963, 964, 965, 966, 967, 968, 969, 971, 972, 973, 974, 977, 978, 979, 980 and 981.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS**

**May 8, 2002**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 975, 976, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035 and 1036.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENROLLED BILLS**

**May 8, 2002**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294 and 295; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**May 8, 2002**

The Speaker signed the following: House Resolution(s) No(s). 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294 and 295.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**CONSENT CALENDAR**

**May 8, 2002**

The following local bills have been placed on the Consent Calendar for **May 15, 2002**: House Bill(s) No(s). 3275, 3276, 3216, 3273, 3269, 3252, 3274, 3279 and 3280.

**ROLL CALL**

The roll call was taken with the following results:

Present.....96

## **WEDNESDAY, MAY 8, 2002 – EIGHTY-SIXTH LEGISLATIVE DAY**

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Casada, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

### **RECESS MOTION**

On motion of Rep. Davidson, and pursuant to Senate Joint Resolution No. 746, the House stood in recess until 1:00 p.m., May 15, 2002.